

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42859 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Saddam Son Of Jameel Ahmad Resident Of Village - Sankare, Rampur, Ps-
Bilaspur, Distt- Rampur UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32 and 41(1)(2) of the Bihar Excise Act read with Sections 419 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 3533.40 litres of liquor from a Tata vehicle.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the confessional statement of Aakash in police custody which does not have any evidentiary value. It is further submitted that prior to the occurrence, petitioner had



sold the seized vehicle to one Munna Yadav, it is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would get implicated by creating evidence against himself, it is thus submitted that since Munna Yadav had purchased the vehicle based on an affidavit as such he took advantage of the said fact and committed the occurrence, it is also submitted that petitioner will not claim the vehicle since the same does not belong to him anymore now.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Durgawati P.S. Case No. 18 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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