

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44063 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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ROHIT BHARTI S/O ARUN KUMAR SINGH R/O VILLAGE- PAHSARA,
PS. NAWKOTHI, DIST. BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 188,
120B of the Indian Penal Code and under Sections 30(a),
32(ii) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and
allegation is of recovery of 1062 liters of liquor along with
70 cartoons of medicines as detailed in the F.I.R. from a
Tata pick-up container.
4. Learned counsel for the petitioner submits that



the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on secret information which is the easiest way to implicate someone, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is no pleading in the anticipatory bail application with regard to the ownership of the seized vehicle.

6. 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 trial court 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 trial court where the case is pending/successor court in connection with Nawkothe P.S. Case No. 45 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned Trial Court before



accepting the bail bonds of the petitioner shall verify whether the seized vehicle belongs to the petitioner or not and in the event if it is found that the petitioner is the owner of the seized vehicle, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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