

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51023 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- BAKHARI District- Begusarai

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PRADEEP @ PRADEEP KUMAR SON OF TUNTUN MAHATO
VILLAGE DARHA P.S BAKHRI DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bakhari P.S. Case No. 309 of 2022 registered for the
offences punishable under Section 414 of the Indian Penal Code
read with Sections 30(a) and 30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent two cases and allegation is of recovery
of 20 litres of liquor from the bank of Chandrabhaga river and
one motorcycle was seized.

4. 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 at the instance of *Chowkidar* with whom he is on an



inimical term.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is no pleading with respect to the ownership of the motorcycle.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Bakhari P.S. Case No. 309 of 2022 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 the ownership of the motorcycle and in the event if it is found that the motorcycle belongs to the petitioner in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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