

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52572 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- BIBHUTIPUR District- Samastipur

SHUBHAM KUMAR @ MANU S/O LATE SITARAM SINGH R/O
VILLAGE- PATAILIYA, P.S- BIBHUTIPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-08-2023 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 offence punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of ten cases and allegation is of recovery of 46.110 liters of liquor from bamboo plantation of the petitioner.
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 based on the fact that the bamboo plantation belongs to him, it is next submitted that it is an open space and is



accessible to public at large and no prudent person would use his own land for committing an occurrence and thus would create evident against himself and thus would get implicated easily, it is next submitted that it appears that someone inimical to the petitioner in order to falsely implicate him kept a meagre amount of liquor on the land of the petitioner to get him implicated.

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

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. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 184 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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