

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52895 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- NAUGACHIA District- Bhagalpur

MD. QUYAMUDDIN @ MOHAMMAD QUYAMUDDIN SON OF MD.
SHAFIQUE RESIDENT OF VILLAGE BAJITPUR PARO PS PAROO
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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 offences punishable under Section 30(a) 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 12 liters of liquor from a truck.
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 confessional statement of Akhilesh in police custody on the ground that petitioner is the owner of the



said seized truck, it is next submitted that no prudent businessman would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is also submitted that the recovery is of a meager amount of 12 liters and no prudent businessman would bring disrepute to his business by carrying 12 liters of liquor in lieu whereof the entire truck is seized. It is next submitted that petitioner was completely unaware that his driver, Akhilesh, would misuse the vehicle in the manner as alleged. Learned counsel next submits that police, in mechanical manner, is implicating persons in cases of excise without holding fair and proper investigation, it is further submitted that the petitioner on the date of occurrence was in Kuwait as would be evident from the Passport (Annexure-2) to the anticipatory bail application.

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. 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 Naugachia P.S. Case No. 285 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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