

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55782 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- MAHUA District- Vaishali

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BACHHU KUMAR @ BACHHU RAI son of BINDESHWAR RAI
RESIDENT OF VILLAGE- MIRZANAGAR, PS- MAHUA, DIST-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-08-2023 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 Sections 414/34 of the Indian Penal
Code and Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 3574.08 litres of liquor
from the four vehicles as detailed in the FIR and one motorcycle was
also seized.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the motorcycle. It is



further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioner had sold his motorcycle prior to the occurrence to one Ramesh Kumar but the ownership was not transferred and it appears that Ramesh Kumar taking advantage of the fact misuse the vehicle in the manner as alleged and the police in a mechanical manner implicated the petitioner. It is also submitted that petitioner is not the owner of any of the seized vehicles.

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

7. 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 Mahua P.S. Case No. 392 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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