

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68594 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- KHANPURA District- Samastipur

BHATU RAI S/O LATE MAHESHWAT RAI Resident of village-
Kamargama, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Khanpur P.S. Case No. 228 of 2021 for the offence
registered under Sections 30(a) and 37(c) of Bihar Prohibition
and Excise Act, 2018.

As per the prosecution story, the police intercepted a
motorcycle and recovered 20 litres of country-made liquor. The
other accused persons managed to escape.

Learned counsel for the petitioner submits that he has
not been arrested from the spot nor the motorcycle belongs to
him and further he do not have any criminal antecedent.

Learned APP for the State, on the other hand, opposes



the prayer for anticipatory bail.

Taking into account the fact that the recovery is from the motorcycle which does not belong to the petitioner and he has clean antecedent, this Court is inclined to grant him the relief.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.-01, Samastipur in connection with Khanpur P.S. Case No. 228 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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