

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75138 of 2022

Arising Out of PS. Case No.-977 Year-2022 Thana- PHULWARISHARIF District- Patna

MD. CHHOTU @ CHHOTU @ SARIKH EQBAL @ SARIK EQBAL S/O
Md. Sakir Eqbal R/O Mohalla Khalilpura, Phulwarisharif, P.S-
Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341 and 323/34 of the Indian Penal Code as well as Sections 37 and 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 188 ml. of liquor along with four bottles of liquor from the Scooty.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner being the owner of the Scooty came to be implicated in a mechanical manner by the police. It is next



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 also submitted that petitioner was completely unaware that his neighbour would misuse the vehicle in the manner as alleged when petitioner admittedly is a person with clean antecedent.

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

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 Special Case No. 4785 of 2022 arising out of Phulwarisharif P.S. Case No. 977 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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