

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73137 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- MANIHARI District- Katihar

Md. Ejahar @ Md. Ijhar S/O Md. Alimuddin R/O Village- Dilarpur, P.S-
Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 2173 of 2022, arising out of Manihari P.S. Case No. 112 of 2022, instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 8.250 litres foreign liquor from two motorcycles. Co-accused Pintu Kumar Yadav was apprehended on the spot. Petitioner succeeded in flee away from the spot leaving his motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent. He has not committed any offence. He had already sold his motorcycle to Chhotu Yadav. In this regard, he has submitted a copy of agreement to sale dated 07.05.2022.



It is further submitted that petitioner was not apprehended on the spot. Nothing has been recovered from his possession. Petitioner has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with G.R. No. 2173 of 2022, arising out of Manihari P.S. Case No. 112 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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