

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7585 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- MADHWAPUR District- Madhubani

Ganesh Kumar Das @ Ganesh Das Son of Ramchandra Das Resident of Ward
No.12, Village-Pupari, P.O.-Ratanlaxmi, P.S.-Pupari, Distt.-Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2024 1. 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.1243/2022, arising out of Madhwapur P.S. Case
No.102/2022 registered for the offence punishable under
Sections 272, 273 and 414/34 of the I.P.C. & Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 54 litres of liquor from possession of Md. Irshad
and Sumit Kumar, who were on a motorcycle and 9 litres of
liquor from the possession of Sonawati Devi. It is next
submitted 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 based on the fact that he is



owner of the motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself. It is thus submitted that the petitioner was completely unaware that his friend Sumit would misuse his vehicle in the manner as alleged along with Irshad.

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

5. 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.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.R. No.1243/2022, arising out of Madhwapur P.S. Case No.102/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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