

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11036 of 2024

Arising Out of PS. Case No.-244 Year-2022 Thana- DHORAIYA District- Banka

Md. Rehan Son of Md. Yunus Resident of Village - Tahwalpur, P.S.- Lodipur,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf, Advocate
For the Opposite Party/s : Dr. (Mr.) Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 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 30(a)(g) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

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

4. Allegation is of recovery of 34.14 litres of liquor
from a bag which was kept on a Scooty.

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 the owner of the Scooty.
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 the petitioner was completely unaware that his friend Md. Aftab Alam would misuse the vehicle in the manner as alleged as he was also apprehended from the spot.

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.500/- (Rupees Five Hundred) 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 Dhoraiya P.S. Case No. 244 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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