

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12698 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- JOGBANI District- Araria

Raj Kumar Son of Tileshwar Rajak Resident of Village- Ward No. 7 training
school chowk Forbesganj P.S. and P.O.- Forbesganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 41.325 litres of liquor from possession of three apprehended accused and 2.4 litres from the driver's seat of e-rickshaw.

4. Learned counsel for the petitioner further submits 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 on the fact that he is the owner of

the e-rickshaw. 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 further submitted that the petitioner was completely unaware that the driver along with the passenger would misuse the vehicle in the manner as alleged.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jogbani P.S. Case No. 265 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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