

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22133 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- PURNAHYA District- Sheohar

Md. Irfan @ Irfan S/O MOTIN @ MD. MOTIN @ MD. MATEEN R/O
VILLAGE- BARAHI JAGDISH, PS.- PURNAHIYA, DIST.- SHEOHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-03-2024 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 offence punishable under 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 39.6 litres of liquor from a motorcycle. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he is not the owner of the seized motorcycle and he came to be implicated based on identification made by the informant. It is next submitted that the informant claims to have identified the petitioner on the ground that he was sent to jail earlier. It is further submitted that at para-10 of the anticipatory bail application, it has been specifically



pleaded that the petitioner was never sent to jail and at para-3 it has been averred that he is a person with clean antecedent, which amply demonstrates that how police in mechanical manner tries to implicate innocent persons, the reason is obvious that is to save the real culprit.

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 trial court where the case is pending/successor court in connection with Sheohar (Purnahiya) P.S. Case No.144/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the learned trial court before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner, in the event, if it is found that the petitioner has antecedent even of one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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