

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21685 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- Excise P.S. District- Vaishali

Mahesh Rai @ Mahesh Ray S/O- Late Baleshwar Rai R/O- Village- Terasiya,
Ward No.- 09, P.S.- Gangabridge, Dist.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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 offences punishable under Section 30(a),
32(1), 32(3), 41(1), 41(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 10 liters of country made liquor from a motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is next submitted
that petitioner being the owner of the seized motorcycle came to
be implicated in a mechanical manner. It is next 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 thus submitted that the petitioner was completely unaware that his friend, namely, Mintu Kumar would misuse his vehicle in the manner as alleged as he was also apprehended from the spot.

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. 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 Hajipur Excise P.S. Case No. 23 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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