

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20783 of 2024**

Arising Out of PS. Case No.-211 Year-2023 Thana- ISUAPUR District- Saran

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ASHOK RAI S/O RAMJANM RAI R/O VILLAGE- AGAUTHAR NANDA,  
P.S- ISUAPUR, DISTT.- SARAN AT CHHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rananjay Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      28-03-2024                      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 272 and 273 of the Indian  
Penal Code and Sections 30(a), 38 and 41 of the Bihar Prohibition  
and Excise Act.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases.

4. Allegation is of recovery of 450 litres of spirit as per  
seizure list but it appears that in the impugned order inadvertently it  
has been recorded that the seized spirit is 540 litres.

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 the alleged recovery is  
from a tractor which does not belong to the petitioner and he came to  
be implicated at the instance of the Chawkidar. It is further submitted



that the police, in majority of the cases, are implicating the accused persons at the instance of the Chawkidar. It is also submitted that if the Chawkidar was aware about the involvement of the petitioner in the occurrence then whey he did not inform the police earlier prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.10,000/- (Rupees Ten Thousand) 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 Isuapur P.S. Case No. 211 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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