

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20739 of 2024

Arising Out of PS. Case No.-286 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

Mujahid Husain Son of Jafar Husain @ Japhar Husain Resident of vill.-111,
Sambhal Road, Dingarpur, P.s.-Manather, Distt.-Moradabad, Uttar Pradesh
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2024 1. Heard Mr. Shailesh Kumar 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 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 2250 litres of liquor from a truck.
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 owner of the seized truck. 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 petitioner is a transporter and no businessman would indulge in any illegal activity which would bring disrepute to the business. It is also submitted that petitioner was completely unaware that the driver of the vehicle would misuse the vehicle in the manner as alleged.

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 Mohammadpur P.S. Case No. 286 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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