

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21677 of 2024

Arising Out of PS. Case No.-141 Year-2021 Thana- Government Official Comp. District-
Gaya

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Lubin Hembram son of Hari Pado Hembram @ Haripad Hembram R/o- 175
Khairbani, Ps- Chhota Govindpur, Dist- East Singhbhum Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

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

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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) &
56(b) 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 2.250 liters of illicit foreign 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 this is one of the case which shows how police in a
mechanical manner implicate. It is further submitted that
petitioner came to be implicated in the instant case on the



ground that the seized motorcycle belongs to him. It is further submitted that the petitioner has instituted Burmamines P.S. Case No. 20 of 2021 dated 09.02.2021 with regard to the theft of his motorcycle. It is next submitted that the instant F.I.R. came to be instituted on 10.04.2021 i.e. two months after the petitioner had instituted Burmamines P.S. Case No.20 of 2021. It is thus submitted that it has become very rampant in the State of Bihar that accused persons are snatching motorcycle and are using it for carrying illicit liquor.

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 Excise P.S. Case No. 141 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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