

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28996 of 2024**

Arising Out of PS. Case No.-1267 Year-2023 Thana- Excise P.S. District- Darbhanga

Ashok Sah S/o Jitan Sah Resident of Village Chunabhatti, P.S. Laxmisagar,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2 The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Excise Act.

3 Learned counsel for the petitioner submits that the petitioner has no antecedent and allegation is of recovery of 9 liters of Nepali country made liquor from a motorcycle. It is next submitted that the petitioner was not arrested from the spot and, as such nothing was recovered from his conscious possession and he came to be implicated only because he is the owner of the seized motorcycle. It is also submitted that petitioner was completely unaware of the fact that his



motorcycle would be misused in the manner, as alleged by his friend.

4 Learned APP 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 trial Court within a period of six weeks from today, be released on anticipatory bail on his furnishing 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 Prohibition Sadar @ Excise PS Case No 1267 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr P C.

6 It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has even one antecedent, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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