

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33238 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Makrani Maqbul Khan Abdulgaffar @ Makbul Khan S/O Makrani
Agafarkhan Barmkhan@Agafarkhan R/O Vistar, Vijaynagar, P.S- Vijaynagar,
Dist- Sabarkantha, Gujarat.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Prabhat Shrivastava

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-05-2024 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 420 and
120B of the Indian Penal Code read with Sections 30(a), 36 and
41(i) 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 6165.360 liters of liquor from a truck.

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 and he came to be
implicated based on the fact that he is owner of the seized truck. 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 and at



the same time will bring disrepute to his business, it is also submitted that petitioner was completely unaware that Mohan Lal would misuse the vehicle in the manner as alleged who was also apprehended from the spot along with Narayan Lal.

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. 1,000/- (Rupees One Thousand) 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 Musrigharari P.S. Case No. 77 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 antecedent of even one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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