

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47553 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- GHORASAHAN District- East
Champaran

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ASRAF ALAM @ ASRAK AAMLA SON OF MD. IKBAL R/O VILLAGE-
LAXMIPUR KAURIHAR, P.S.- RAXAUL, DISTT.- EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-07-2024 1. Heard learned counsel for the petitioner and Mr. Ajay Kumar No. 2 learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. Allegation is of recovery of 51 litres of liquor from a motorcycle.
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 vehicle. 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 was completely unaware that his friend would misuse the vehicle in the manner as alleged.

6. Mr. Ajay Kumar No. 2 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 Ghorasahan (Jitna) P.S. Case No. 180 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and 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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