

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52797 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- JOKIHAT District- Araria

Amod Kumar Choudhary Son of Dayanand Choudhary Resident of Vill-
Biyarpur,P.S.- Ranipatra (East), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-09-2024 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) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 532.40 liters of liquor from a vehicle as detailed in
the FIR.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is next submitted
that petitioner had purchased the vehicle in question from Rahul
Kumar, but then the car was not transferred in his name as the



documentations were still to be completed. It is further submitted that on coming to know that the vehicle has been seized, as such, the petitioner approached the police for releasing the vehicle on the ground that he had purchased from Rahul Kumar, as such, he came to be implicated. It is further submitted that petitioner is not the registered owner of the vehicle and since the vehicle was apprehended, as such, the petitioner would not have approached the police, had he been involved thinking that he will also be implicated, but since petitioner was not involved in the occurrence, he came forward and disclosed to the police that he had purchased the vehicle from Rahul Kumar which establishes his *bona fide*. 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.

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 Jokihat P.S. Case No. 10 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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