

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57366 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- AAJAM NAGAR District- Katihar

Md. Raiyat Hussain @ Raiyat Hussain Son Of Md. Shahid Village-
Panchkonja, Ps- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2024 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 212.295 litres of liquor from a Scorpio vehicle. It is
next submitted 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 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. It is also submitted that the petitioner was completely unaware that his driver would misuse his vehicle in the manner as alleged, when petitioner admittedly is a person with clean antecedent.

4. Learned A.P.P. 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 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 trial court where the case is pending/successor court in connection with Azamnagar P.S. Case No.186/2024, 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 antecedents 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.



7. Today, 19 cases relating to excise were taken up. In 19 cases, there were 21 petitioners, out of which, 16 petitioners were persons with clean antecedent. Further, in 8 cases, the recovery is less than 30 litres of liquor, further in few cases, the recovery was in between 1 to 10 litres, as such, the total amount of liquor alleged to have been seized is 1904.21 litres.

(Satyavrat Verma, J)

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