

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72270 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- MUSAHARI District- Muzaffarpur

MD HAZRAT ALI S/O MD. YASIN @ SATAHU MIYAN RESIDENT OF
ANJAR TOLA, MUSHAHARI, PS. MUSHAHARI, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-02-2024 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 272, 273, 414 and 34 of the IPC and Section 30(a) 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 total recovery of 1830.96 liters of liquor of different brands, out of which 1467.36 liters of liquor is alleged to have been recovered from a pick up van.

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. It is also submitted



that petitioner is not the owner of the pick up van in question and he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term. It is also submitted that if the *Chowkidar* was knowing that petitioner had concealed the liquor as alleged, in that event why he did not inform the police earlier which casts an aspersion on the case of the prosecution.

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 Mushahri P.S. Case No. 162 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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