

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72056 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- MADHAURAH District- Saran

Kali Nut Son Of Bilat Nut Resident Of Mohalla- Wajit Bhoraha, Ps-
Marhowrah, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh

For the Opposite Party/s : Mr.Jagdhar 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 30(a) and
41(i) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedents of two cases and allegation is of
recovery of 400 litres of liquor from waterlogged area of the
village, out of which it is alleged that 170 litres was recovered
from two tubes kept by the petitioner in the waterlogged area of
the village which was disclosed by the local people.
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
the name of the local person who disclosed the name of the
petitioner is not disclosed, which casts an aspersion on the case of



the prosecution. It is next submitted that if the local persons were aware that petitioner had concealed the liquor in the tube as alleged, in that event why they did not inform the police earlier, but implicated the petitioner after the recovery was made which actually demonstrates that the police in order to save the real culprits falsely implicated the petitioner because of his antecedent.

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. 10,000/- (Rupees Ten 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 Marhowrah P.S. Case No. 236 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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