

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73045 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

KAILASH MUKHIYA SON OF BUCHHI MUKHIYA RESIDENT OF
VILLAGE - MISI, POLICE STATION - KUSHESHWAR ASTHAN,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Ghanshyampur P.S. Case No.90/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent. An allegation is of recovery of 5.5 litres of liquor from a motorcycle. 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 petitioner is owner of the motorcycle. It is next submitted that Nitish Ram, his



nephew had taken the motorcycle for some work and he was also arrested from the spot, as such, the petitioner was completely unaware that Nitish would misuse his motorcycle in the manner as alleged.

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 Special Judge-II (Excise Act), Darbhanga in connection with Ghanshyampur P.S. Case No.90/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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