

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78765 of 2023

Arising Out of PS. Case No.-374 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

SHUBHAM SANGWAN SON OF HEM SINGH RESSIDENT OF
VILLAGE - 05 GANDU MANGLA, GANDU NAGLA, MANDHUNALA,
P.S. - BAHADURGARH, DISTRICT - HAPUR, PIN - 245205 (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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 a case
registered for the offences punishable under Sections 419, 420,
467, 468, 471 and 34 of the Indian Penal Code and Sections
30(a) and 41(i) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 2224.41 litres of liquor
from a truck.

5. 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 further submitted



that petitioner is not the owner of the seized vehicle. It is next submitted that the driver of the vehicle disclosed that the consignment was loaded at Karnal and was heading for Patna and the liquor belongs to one Gyanendra Mallik whose mobile number is 9528688592 and he said to deliver the liquor at a place he will disclose later. It is also submitted that when the said mobile number was called as disclosed by the driver the name of the petitioner figured on the true caller as such the petitioner came to be implicated. It is thus submitted that it absolutely does not stand to reason that when the driver of the vehicle disclosed that the said mobile number belongs to Gyanendra Mallik then why petitioner was implicated merely because the true caller was showing his name when it has been asserted and submitted that the petitioner presently is not using the said mobile number as it got deactivated two years back but then the police did not investigate the issue in its correct perspective.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 court below where the case is pending/successor court in connection with Mohania P.S. Case No. 374 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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