

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79226 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- KALUAHI District- Madhubani

DILIP DAS S/O LAXMAN DAS VILLAGE- KALUAHI, PS. KALUAHI,
DIST. MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kaluahi P.S. Case No.201/2022 dated 25.10.2022, G.R.
No.2062/2022 registered for the offence punishable under
Sections 272, 273 of the I.P.C. & Section 30(a) of Bihar
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 87 litres of liquor from an auto. It is next submitted
that petitioner was not arrested from the spot as such nothing
was recovered from his conscious possession and the petitioner
being the owner of the auto came to be implicated. It is next
submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would create evidence against himself. It is thus submitted that the petitioner was completely unaware that Jagarnath Mahto, who was apprehended from the spot would misuse the vehicle 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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Kaluahi P.S. Case No.201/2022, G.R. No. 2062/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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