

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80908 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- MADHEPUR District- Madhubani

MD. EZHAR @ MD. IJHAR @ LALU S/O MD. GULAM @ MD. GULAM
RASUL VILLAGE- BOCHAHI, PS. MADHEPUR, DIST. MADHUBANI
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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 Madhepur P.S. Case No.176/2023 dated 11.07.2023 registered for the offence punishable under Sections 272, 273, 34 of the I.P.C & Section 30(a), 47 of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 115 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 is not the owner of the seized vehicle. It is further submitted that he



came to be implicated in the confessional statement of co-accused namely Alok Kumar Yadav in police custody, which does not have any evidentiary value in the eye of law.

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, Excise Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No.176/2023 corresponding to G.R. No.521/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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