

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39219 of 2019**

Arising Out of PS. Case No.-626 Year-2018 Thana- FORBESGANJ District- Araria

MD. ASHIQUE @ ASHAK S/o Mojahir, Resident of Village- Murballa
Chowk, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Asha Devi

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER**

2 28-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Special Case No. 958 of 2018 arising
out of Forbesganj (Simraha) P.S. Case No. 626 of 2018
registered for offence punishable under sections 30 (a) and 38
(i) of the Bihar Prohibition and Excise Act.

Allegation has been made that the petitioner and
another person threw a bag containing 79 bottles each of 100
ml cough syrup in the shop of one Awesh Alam and he
informed the police and then the police came there and the said
bag was handed over to the police and accordingly the
petitioner has been made accused in the present case.

The learned counsel for the petitioner submits that



it is completely a concocted story which has been created with a view to implicating the petitioner and there is no truth in the allegation, why the petitioner would throw the bag in the shop of Awesh Alam.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Araria in connection with Special Case No. 958 of 2018 arising out of Forbesganj (Simraha) P.S. Case No. 626 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Shivaji Pandey, J)

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