

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43394 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- NALANDA District- Nalanda

MOBIN KHAN @ M. MOBIN KHAN S/o Ibrahim Khan R/o Mohalla-
Kagzi, Biharsharif, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nalanda Police Station Case No. 56 of 2019, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30 (a) and 30 (c) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The allegation, as per the First Information Report, is that the Police, upon information, intercepted a pickup van, which was found loaded with 378 litres of illicit liquor. It is further alleged that upon interrogation of the arrested person, the arrested person disclosed that the petitioner is indulged in the business of illicit liquor.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case and he has got no criminal antecedent. He further submits that the name of the petitioner has surfaced merely on the basis of the statement of the co-accused. He further submits that no illicit liquor was recovered from the conscious possession nor the premises of the petitioner. He informs this Court that similarly situated co-accused Bhosu Yadav has been granted anticipatory bail by order, dated 02.07.2019, passed in Criminal Misc. No. 40240 of 2019. Therefore, the petitioner deserves privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor was recovered neither from the conscious possession nor the premises of the petitioner and the name of the petitioner has come in the confessional statement of the co-accused and from perusal of the prosecution report and the seizure list, no *prima facie* case is made out against the petitioner, under the provisions of the Act, this application is allowed.

Let the petitioner, Mobin Khan @ M. Mobin Khan, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned 3rd Additional Sessions Judge, Bihar Sharif, in connection with Nalanda Police Station Case No. 56 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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