

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.40770 of 2021**

Arising Out of PS. Case No.-100 Year-2020 Thana- PANJWARA District- Banka

MD. EKBAL S/o Late Md. Anis R/o village- Imampur, P.S.- Habibpur,  
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Sanjay Kumar Sharma(App193)

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

2      22-10-2021                      This matter has been taken up for hearing online  
because of COVID – 19 pandemic restrictions.

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to  
honour his undertaking to remove the defects, as pointed out by  
the office, when called upon to do so by the office.

The petitioner is apprehending his arrest in  
connection with Panjwara P.S. Case No. 100 of 2020 for the  
offence registered under Sections 30(a) and 32(2) of the Bihar  
Liquor Prohibition and Excise Act 2016.

The prosecution case as per the First Information  
Report is that altogether 73.29 litres of illicit foreign made  
liquor was recovered from the tempo of the petitioner.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case. It is further submitted that the petitioner has already sold the alleged tempo to one Md. Belal and subsequently, the aforesaid Belal also sold the said tempo to one Raggu Yadav but the registration number of the alleged tempo has been still running in the name of the petitioner. It is further submitted that no incriminating article has been recovered from the possession of the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. It is accordingly, rejected.

However, the petitioner is directed to surrender before the court below and file an application for regular bail on which the Court below shall pass necessary orders in accordance with law without being prejudiced by the present order.

**(Sunil Kumar Panwar, J)**

Jagdish/-

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