

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1168 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- KURSAKANTA District- Araria

MD. GALIB, SON OF MD. BADRUL ALIAS BADRUL R/O VILLAGE
GARAIYA, WARD NO. 13, P.S. KURSAKANTA KUWARI O.P., DISTRICT-
ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-08-2021 Heard Mr. Anil Prasad Singh, learned advocate

for the petitioner and Mr. Arun Kumar Pandey, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kursakanta P. S. Case No. 44
of 2020, dated 05.03.2020, instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

Two persons, who were riding two motor-cycles,
were signalled to stop for checking. However, one
managed to flee away, leaving his motor-cycle behind.



One Shaklen was arrested, who disclosed the name of the petitioner as the person who was driving the other motor-cycle.

There is recovery of excisable items from aforesaid arrested accused person, namely, Md. Shaklen. He is said to have further disclosed that this business was being run at the instance of one Md. Saddam.

Md. Saddam has been granted anticipatory bail by a Bench of this Court.

The learned advocate for the petitioner has submitted that whatever be the circumstance, the only material against the petitioner is the statement made by an arrested accused person. The petitioner is neither the owner of any one of the vehicles which have been seized nor has any concern with aforesaid Shaklen or Saddam or the seized liquor.

The petitioner does not have criminal antecedents as well.

On these grounds, it has been urged that the



offence under the Excise Act can not be said to have been made out against the petitioner.

For the facts afore-stated, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Araria, in connection with Kursakanta P. S. Case No. 44 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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