

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53324 of 2021

Arising Out of PS. Case No.-389 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Shahbaj @ Md. Sahbaj, Male, aged about 22 years, Son of Md. Afaj @
Md. Hefaaj @ Hefaaj, Resident of village- Hardiya, Ward No. 14, Near
Masjid, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 18-02-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in
connection with Muffasil P.S. Case No. 389 of 2020 instituted
for the offences punishable under Sections 30(a), 32, 42(i) of
the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
petitioner is neither the owner of the vehicle from whom the
liquor was recovered nor he was present at the site. The person
who has been arrested has wrongfully and due to previous
enmity named him as also a party to the crime. Thus, case under
Section 30(a) of the Act, cannot be said to be made out as
against the petitioner.

Ex facie, this Court is satisfied that case under Section 30(a) is not made out, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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