

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41365 of 2022**

Arising Out of PS. Case No.-449 Year-2021 Thana- JOKIHAT District- Araria

ABU BAKAR @ ABU BAKAR SIDDIQUE S/o- Kamal Resident of Village
- Thengapur (Kashibari), P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 53.400 litre of cough syrup
from the house of Mohid.

Learned counsel for the petitioner submits that petitioner
has been falsely implicated in the present case in a mechanical
manner and was not arrested from the spot, as such, nothing was
recovered from his conscious possession. He further submits that
from perusal of the allegation as alleged in the FIR, it would manifest



that the informant alleges that the apprehended accused persons disclosed that petitioner along with Mohid and Saddam are indulging in this nefarious activities by keeping syrup in their house. He next submits that from bare perusal of the parentage of the accused persons, it would manifest that Mohid and Saddam are own brother and petitioner is cousin, as such, the house is a joint family property, thus, it cannot be alleged with certainty that it was the petitioner who had kept the cough syrup in his house.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jokihat P.S. Case No. 449 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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