

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47934 of 2022

Arising Out of PS. Case No.-671 Year-2020 Thana- ARARIA District- Araria

=====

SOHIBUL @ MD. SOHIBUL HAQUE @ SOHIBUL HAQUE @ SOHIBUL
HOQUE S/O MD. SAIDUR RAHMN @ MOHAMMAD SAIDUR
RAHMAN @ MD. SAIDUR RAHAMAN @ SAIDUR RAHAMAN
Resident of Bairgachhi, P.S.- Gazole, District- Malda (West Bengal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Opposite Party/s : Mr.Nawal Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Araria (R.S.) P.S. Case no. 671 of 2020 instituted for the
offence under Section 30(a) of the Bihar Prohibition of Excise
Act.

Prosecution case relates to recovery of 3651 liters of
illicit liquor from the truck of the petitioner and Madhusudan
Bosak and Shibu Ghosh, who was driver and cleaner of the
alleged vehicle were arrested on spot and they disclosed the
name of the petitioner.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. Because of his ownership, he has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner is directed to deposit Rs. 80,000/- (Rs. Eighty thousand) in the concerned DLSA.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of twelve weeks from today and in the event of his arrest or surrender in connection with Araria (R.S.) P.S. Case no. 671 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Araria subject to the conditions as laid down under section



438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 80,000/- (Eighty thousand only) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

