

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20653 of 2023

Arising Out of PS. Case No.-252 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

MD. ASDIF @ MD. ASIF S/O- MD. FAKHRUDDIN KHAN HOUSE NO-
K40 A NEAR MADINA MASJID ABDUL FAZAL ENCLAVE PAR II, P.S.-
JAMIA NAGAR (OKHLA), NEW DELHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Durgawati Police Station Case No. 252 of 2021, dated 17.11.2021, disclosing offences punishable under Sections 30(a)/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police intercepted one red-coloured Hundai car, in which four persons were sitting, and recovered 162 litres of illicit liquor from the said car.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the petitioner is not named in the First



Information Report and he has been implicated in this case merely on the basis of fact that he was the owner of the red-coloured Hyundai car. He further submits that the petitioner has sold the car, in question, to one Md. Yunus, way back in April, 2021, which would be evident from the affidavits annexed at Annexure-2 series and the present First Information Report has been lodged on 17.11.2021. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the possession of the petitioner.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that at the time of lodging of the First Information Report, the petitioner was not the owner of the car in question, he is not named in the First Information Report and no illicit liquor has been recovered from the possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court, Kaimur, at Bhabhua, in connection with
Durgawati Police Station Case No. 252 of 2021, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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