

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36298 of 2023

Arising Out of PS. Case No.-29 Year-2021 Thana- RANIGANJ District- Araria

ABDUL MUTTALIB Son of Jasimuddin RESIDENT OF VILLAGE
NAHAR TOLA BAJRAHA SONALI PS KADWA DIST KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Raniganj Police Station Case No. 29 of 2021, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information, intercepted a Scorpio car, bearing registration no. BR11PB-7012 and recovered 45 liters of illicit liquor from the said vehicle.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because he happens to be the owner of the Scorpio car from where illicit



liquor has been recovered. He further submits that the petitioner purchased the vehicle, in question, for the purpose of hiring and the vehicle was given to one Mohd. Kalam on contract basis for running the vehicle on hire. He next submits that at the time of seizure of the vehicle, the petitioner was in Delhi during pandemic and was not aware about illicit liquor being kept in the vehicle by the driver and/or the person, to whom the vehicle was handed-over by the petitioner on contract. He next submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the submissions made by the petitioner that the vehicle, in question, was handed-over by him in favour of some other person on contract basis and the petitioner has got no criminal antecedent, 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 four weeks, 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 the learned Exclusive Special Judge Excise I, Araria, in connection with Raniganj Police Station Case No. 29



of 2021, subject to the condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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