

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39222 of 2023

Arising Out of PS. Case No.-1036 Year-2021 Thana- ARARIA District- Araria

MD KAMRUDDIN @ KAMRUDDIN SON OF LATE FAZILAT
RESIDENT OF VILLAGE- SURAJPUR, WARD NO. 15, PS- ARARIA
(BAIRGACHHI), DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Araria (Bairgachhi) Police Station Case No. 1036 of 2021, dated 10.12.2021, disclosing offence under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police intercepted two motorcycle which were being driven by the co-accused Fakhruddin and Azim@Sukhanu and recovered 36.5 liters of cough syrup from the said motorcycles and upon enquiry, the arrested accused persons



disclosed the name of the petitioner, who succeeded in fleeing away from the place of occurrence.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has been made accused on the basis of disclosure of his name by arrested accused persons. He further submits that he is not the owner of the motorcycles and is not concerned with the cough syrup recovered from the said motorcycles.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedents and the cough syrup has been recovered from the motorcycles not belonging to the petitioner and/or from the conscious possession to 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 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 learned Exclusive Special Judge, Excise I, Araria, in connection with Araria (Bairgachhi) Police Station Case No.



1036 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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