

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39901 of 2023

Arising Out of PS. Case No.-176 Year-2019 Thana- HATHUA District- Gopalganj

Reyazul Ansari @ Reyaz Mian @ Reyazu Mian, aged about 28 years (Male),
Son Of Taujiuddin Ansari @ Nanhe Mian, Resident Of Village -Etwa, Police
Station -Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Mohammad Sufyan, learned counsel
appearing on behalf of the petitioner and Mr. Nand Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hathua P.S. Case No. 176 of 2019 registered for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 22.62 litres of foreign
liquor from a gunny bag.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and quantity of liquor recovered as well as the fact that petitioner has clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Court I, Gopalganj, in connection with Hathua P.S. Case No. 176 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of



the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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