

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41021 of 2023**

Arising Out of PS. Case No.-410 Year-2022 Thana- BISFI District- Madhubani

MD ABDULLAH @ ABDULLAH Son of Md. Murtuza Resident of village-  
Bharwara, P.S.-Singhwara, Dist.-Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate  
For the Opposite Party : Mr.Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      28-07-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bisfi P.S. Case No.- 410 of 2022 corresponding to G.R. No. 2358/2022 registered for the offences punishable under Section 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant on secret information intercepted a truck containing *dak* parcel from which 401.940 ltr. illicit liquor concealed in bundals of cloth has been recovered. The informant apprehended four persons and the petitioner is alleged to be the driver of the truck.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted the petitioner is the driver of the truck and was not knowing about the concealed liquor inside the bundles of cloth loaded in the truck.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner is not owner of the truck, he happens to be driver of the truck, he had nothing to do with the alleged consignment containing the *dak* parcel under which the liquors were said to have been concealed, the petitioner earns his livelihood by driving and has no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Bisfi P.S. Case No.- 410 of 2022 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 Addl. Session Judge-II cum Special Judge, Excise Act, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

tusharika/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

