

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63835 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- BIRPUR District- Supaul

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MOHAMMAD ANSAR@ MD ANSAR S/O MOHAMMAD KARIMAN
R/O VILLAGE- JHILLA DUMRI, PS. BHAPTIYAH, DIST. SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shilpi Keshri

For the Opposite Party/s : Mr. Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-10-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises
out of Birpur Police Station Case No. 62 of 2023, disclosing
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018 (hereinafter referred to as 'the Act').

3. As per the First Information Report, 54.9 litres of
Nepali liquor has been recovered from a pick-up van. One
person was apprehended on the spot who disclosed the name of
petitioner as the person who fled away from the place of
occurrence.

4. Learned Counsel for the petitioner submits that the
petitioner is neither the owner of the vehicle, in question, nor
illicit liquor/incriminating article has been recovered from his
conscious possession and/or vehicle belonging to the petitioner.
He further submits that co-accused, namely Md. Sadrul, has



been granted anticipatory bail by a Co-ordinate Bench of this Court vide order, dated 07.10.2023, passed in Cr. Misc. No. 61524 of 2023 upon deposit of Rs. 5,000/- in Patna High Court Legal Services Committee.

5. Learned counsel for the petitioner submits that the petitioner is also ready to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. After having heard learned Counsel for the parties concerned and taking into consideration the fact that petitioner is neither the owner of the seized vehicle nor illicit liquor/incriminating article has been recovered from his conscious possession and similarly situated person has been granted bail by a Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, Mohammad Ansar@ Md Ansar, 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. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of In-Charge, Exclusive Special Judge, Excise, Supaul, in connection with Birpur Police Station Case No. 62 of 2023, subject to the conditions:

(1) Laid down under Section 438 (2) of the Code of Criminal Procedure.

(2) The petitioner shall deposit a sum of Rs. 5,000/- in the account of Patna High Court Legal Services Committee, Patna, and shall produce the receipt at the time of furnishing bail bond.

(Anil Kumar Sinha, J)

HarshPandey/-

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