

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64034 of 2023

Arising Out of PS. Case No.-1577 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Md. Ishteyaq S/O Md. Mumtaj R/O Village- Sakra Faridpur, P.S- Sakra,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Excise P.S. Case No. 1577 of 2023 registered
for the offence punishable under Section 30(a) & 32(3) of the
Bihar Prohibition and Excise Act.

3. Five named accused persons are alleged to have
procured some illicit liquor, which was being transported in a
truck. On such secret information, the truck was apprehended
and 2678.400 liters illicit liquor has been recovered.

4. The learned counsel for the petitioner submits that
the petitioner has been made accused in the case as a sequel to
his earlier implication in Sakra P.S. Case No. 421 of 2019 for
the offences under the Bihar Prohibition and Excise Act. The



petitioner has no concern with the truck from which the seizure has been made; and other than suspicion and unsustainable alleged secret information, there is nothing to connect the petitioner with the recovery.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre- arrest bail would not be maintainable.

6. Considering the rival submissions, nature of allegations and the manner in which the petitioner has been implicated, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of *Ram Vinay Yadav vs. State of Bihar*, reported in **2019 (2) PLJR 1089 (FB)**, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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, Court No.-II, Muzaffarpur, in connection with Excise P.S. Case No. 1577 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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