

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64473 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- MEHSI District- East Champaran

Md. Mazahar @ Mazahar Ali, aged about 28 years, Male, Son Of Md. Sarfuddin, Resident Of Village -Thikaha, Ward No 3, P.S.- Kathaiya, Dist-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Mehsi P.S. Case No. 73 of 2023 dated 24.03.2023 registered for the offence punishable under Section 420 of the I.P.C. and Sections 30(a), 32(ii), (iii), 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per the prosecution case, 513 litres and 62.625 litres of Party Knights Premium Whisky (total 575.625 litres) were recovered from the Ambulance and Gaffur Market of



Ashfaque Ansari respectively. One Mokhtar Ali was apprehended on the spot and who disclosed the name of the petitioner as the driver of the Ambulance in question.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended on the spot and his name has been dragged in the present case on the basis of the disclosure statement of the co-accused Mokhtar Ali. No incriminating article has been recovered from his conscious possession. The Ambulance and house from where alleged liquor was recovered do not belong to the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Mehsi P.S. Case No.



73 of 2023, subject to the condition as laid down under Section
438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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