

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65637 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Md. Habib @ Munna, son of Md. Karim, Resident of Village- Nagar
Panchayat, Ward.No. 8, P.S. Motipur, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 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 Motipur P.S. Case No. 415 of 2022 registered for the offences punishable under Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of the Bihar Prohibition & Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant along with police force on secret information reached at village-Singaila and saw that some persons were unloading the liquor from the car and motorcycles. On seeing the police party, all the accused persons started fleeing away but out of them, one got apprehended and he disclosed his name as Ram Kumar and he also disclosed names of other accused persons as Md. Habib @ Munna (petitioner), Sanjeet Kumar, Rushtam, Vishal Kumar,



Tabarak Husaina @ Naeem and Sahbuddin. On search, total 248.490 liters of illicit liquor was recovered from different vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the statement of the apprehended accused and he is not the owner of any of the vehicles from which illicit liquors were recovered. It is further submitted that the similarly situated co-accused Sanjeet Kumar has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 11244 of 2023.

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

6. Having regard to the submission that the name of the petitioner has transpired in the statement of the apprehended accused, he has no connection with the vehicles in question from which the illicit liquors were being unloaded and further considering that the co-accused Sanjeet Kumar has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 11244 of 2023, this petitioner has otherwise no criminal antecedent, hence, this Court directs that



in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Motipur P.S. Case No. 415 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 Exclusive Spl. Judge Excise, Court No. II, Muzaffarpur, 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)

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