

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75076 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- BAUNSI District- Banka

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MOHAMMAD HASAN SON OF ABDUL RAUF R/O VILLAGE-
NIRMALI, WARD NO.10, PANCHAYAT NIRMALI, P.S.- NIRMALI,
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 184.5 liters of foreign liquor is said to have been recovered from Tata Zest vehicle of the petitioner and two persons were apprehended by the police.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the basis that he is the owner of the vehicle from which recovery of liquor has been made but the real fact is that in the year, 2019 itself, petitioner has sold the said car to one Santu Kumar. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below, where the case is pending/Successor court, in connection with Baunsi P.S. Case No.275 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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