

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3971 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- JOKIHAT District- Araria

MIR MISROZ @ MISROZ SON OF LATE KADIR RESIDENT OF
VILLAGE - BALWA, WARD NO.09, MAHALGAON, DISTRICT -
ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-02-2024 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 under Sections 30(a) & 37(c) of the Bihar Prohibition & Excise Act, 2016.

3. Altogether, 5 litres of illicit liquor has been recovered from *diggi* of motorcycle. One person was apprehended on the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. 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. The allegation



levelled against the petitioner is general and omnibus in nature. The real fact is that in absence of the petitioner, his wife had given the said damaged motorcycle to co-accused Bechan, who repaired the damaged motorcycle and started using it for his personal work. He was not apprehended on the spot. He had not consumed liquor. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra 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 Jokihat (Mahalgaon) P.S. Case No. 89 of 2023,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) 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 the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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