

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28793 of 2024

Arising Out of PS. Case No.-754 Year-2023 Thana- TAJPUR District- Samastipur

Md. Mosim @ Mosim Ansari @ Mosim, aged about 36 years, Male, Son of Late Md. Ataullah, resident of Village- Shamsheer Nagar, Hamid Nagar P.S.- Jharia, District- Dhanabad, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 06-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Tajpur (Waini O.P.) P.S. Case No. 754 of 2023 instituted for the offences punishable under Sections 30(a), and 41(i) (ii) of the Bihar Prohibition and Excise Act.

3. As the prosecution case, total 873 liters foreign liquor have been recovered from a pick-up van bearing registration no. JH 10 CQ-5061.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on account of enmity and due to local politics. He further submits that petitioner is neither the owner nor the driver of the



alleged vehicle and he only took the vehicle on rental basis from the registered owner. He further submits that the co-accused, who is a driver of the alleged vehicle namely Md Nafis Alam @ Raja has confessed the name of the petitioner in this crime. He next submits that the alleged two mobile numbers i.e., 8210637220 and 8271173758, which has been mentioned in the FIR are not in the name of the petitioner and nor the petitioner has any concerned with both mobile numbers. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 19.02.2024 passed by the learned Exclusive Court Special Judge Excise-02, Samastipur, it appears that petitioner is not named in the FIR and co-accused persons, who apprehended on the spot states that petitioner is the owner of the said vehicle. *Prima facie*, it also appears that the petitioner is involved in transportation and sale of liquor.

7. Considering the aforesaid facts and circumstances of the case and recovery of huge quantify of liquor from the pick-up van as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant bail to



the petitioner.

8. Accordingly, the prayer for bail of the petitioner stands dismissed.

9. However, if the petitioner surrenders before the trial Court within a period of 30 days from today, the trial Court may consider his prayer for bail of the petitioner on the same day without being prejudiced by this order.

(Ramesh Chand Malviya, J)

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