

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33089 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- Excise P.S. District- Araria

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Md. Irshad Alam @ Irshad Alam S/O- MD. KALIMUDDIN R/O- VILLAGE-
MADANPUR BALHI WARD NO -2, P.S- BELWAHAAT, DISTRICT-
SAHARSA, AT PRESENT RESIDING AT VILLAGE- SARAH , WARD
NO- 05, P.S- SAHARSA , DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 08-05-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018 in connection with Araria Excise P.S. Case No.84 of
2023.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 830 ml of liquor from Mahindra Thar vehicle.



4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his friend Md. Kashim would misuse the vehicle in the manner as alleged who was also apprehended from the spot along with Ansar and Mahiuddin.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-2nd, Araria in connection with Araria Excise P.S. Case No.84 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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