

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41971 of 2024

Arising Out of PS. Case No.-713 Year-2017 Thana- ARARIA District- Araria

Md. Noman @ Noman SON OF MD GAYAS UDDIN VILLAGE- SISONA
WARD NO. 1, P.S.- ARARIA, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivesh Singh

For the Opposite Party/s : Mrs. Rita Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 272/273/34 of the Indian Penal Code and under sections 30(a)/36/38 of the Bihar Prohibition and Excise Act.

3. As per the F.I.R., total 33 litres of illicit foreign liquor has been recovered from the tempo.

4. Learned counsel appearing for the petitioner submit that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner surfaced in this case on the confessional statement of apprehended co-accused person. The petitioner has no concern with the alleged recovery neither he is owner of the seized tempo. The petitioner



bears one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts of the case and also the alleged recovery is not made from the conscious possession of the petitioner, this anticipatory bail is allowed, let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Araria in connection with Araria P.S. Case No. 713/2017 subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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