

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40362 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- PALASI District- Araria

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Nawazish @ Nawazish Nasim S/O- Nasim @ Md Nasimuddin R/O Vill.-
Dehti, P.S.- Palasi , Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Palasi P.S. Case No. 1 of 2024 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, the police has recovered
altogether 18 liter illicit Nepali wine from the Scorpio vehicle
bearing Regd. No. BR11PC 4171. It is further alleged that the
police has also recovered total 103.800 liter Nepali liquor from
a white coloured Maruti Suzuki car bearing Regd. No. WB-
26K-7725 and total 3 liter Nepali wine from the motorcycle
bearing Regd. No. BR-38X-1291.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the motorcycle, in question. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local people. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the the seized liquor or the vehicles, in question. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Md. Afaq @ Md. Afak has been granted bail by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 19989 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-



named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Palasi P.S. Case No. 1 of 2024 , subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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