

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42378 of 2024

Arising Out of PS. Case No.-59 Year-2021 Thana- BALIYA District- Begusarai

Abbas Ali S/O Ali Bahadur Resident of village- Bhatpura, Saidnagar, Bajar
Patti, P.S.-Tanda, Distt -Rampur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Ballia P.S.

Case No.59 of 2021 registered under Sections 272, 273,

120-B read with 34 of the Indian Penal Code, Sections 30

(a) of the Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to have in

possession of 2286 liters of country-made illicit foreign

liquor and also alleged to be involved in illegal trade arises

out of said illicit liquor.

4. It is submitted by learned counsel for the



petitioner that name of this petitioner appears to be surfaced in present case on the basis of confessional statement of co-accused/driver of the vehicle carrying illicit liquor, where in furtherance of which, no incriminating material appears to be recovered/surfaced as to connect him with present recovery of illicit liquor. It is pointed out that as a mobile phone number of petitioner was written in the seized diary, which was kept in alleged truck, he was implicated with present case, who is otherwise a man of clean antecedent.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions, as implication of petitioner appears *prima facie* out of suspicion, as his mobile number was found written in diary, which was kept in truck, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court



No.-II, Begusarai in connection with Ballia P.S. Case No.59
of 2021, subject to the conditions as laid down under
Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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