

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46640 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- SIKTI District- Araria

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RAHMAT @ MD. RAHMAT @ CHOTUA SON OF TAIMUL RESIDENT
OF VILLAGE - SALGURI, WARD NO. 01, P.S. - SIKTI, DISTRICT -
ARARIA - 854333

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Sikti P.S. Case No. 97 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 53.400 litre nepali liquor from the motorcycle in question and apprehended co-accused Parwez Alam disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



Learned counsel fairly submits that though he has not mentioned in the bail petition that petitioner is not owner of the motorcycle in question but basically petitioner is not owner of the motorcycle in question and his name surfaced upon the confessional statement of co-accused Parwez Alam. Except confessional statement of said co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria in connection with Sikti P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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