

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47967 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- RAJPUR District- Buxar

MD. NAUSHAD ANSARI S/O MAINUDDIN ANSARI @ MD.
MAINUDDIN MIYA R/O VILLAGE- PALIYA, P.S- RAJPUR, DISTT.-
BUXAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Rai Sharma, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2024 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 Act in
connection with Rajpur P.S. Case No.124 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of seven cases and allegation is of
recovery of 10.87 liters of liquor from a motorcycle.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and is not the owner of the seized vehicle. It is next
submitted that he came to be implicated at the instance of local
people, but then the name of the person who disclosed the name



of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedents.

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.35,000/- (Rupees Thirtyfive Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No.1st, Buxar in connection with Rajpur P.S. Case No.124 of 2024, 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 more than seven cases, 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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