

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51682 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- NADI P.S. District- Patna

Md. Salman Son of Md. Kasim Miyan @ Md. Kasim Alam Resident of
village - Sammaspur, P.S.- Fatwah, District - Patna 803201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mickey Singh, Advocate

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with Nadi

P.S. Case No. 30 of 2023 registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act.

4. The allegation against the petitioner is to

be engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 208.5 litres of IMFL/country

made liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner with the present case is only for the reason as he is the owner of TVS Apache motorcycle bearing registration no. BR 01 DV 7281, which was alleged to be involved in carrying illicit liquor from where 45 litres of illicit liquor was recovered. It is submitted that petitioner gave his motorcycle to his friend Gautam Paswan for the day for his personal use but it was used for carrying illicit liquor by Gautam Paswan, who is now on bail. It is submitted that implication of petitioner appears only being the owner and admittedly no illicit liquor was recovered from the conscious physical possession of this petitioner. Learned counsel further pointed out that seizure list also appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

7. In view of the facts and circumstances as



mentioned above as recovery of illicit liquor, *prima facie*, not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City/concerned Court below where the case is pending in connection with Nadi P.S. Case No. 30 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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