

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50198 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- GOPALPUR District- Gopalganj

Nawaz Anasari @ Nawaj Ansari Son of Mahmud Ansari @ Mahamud Ahmad
R/o Village- Gareya Khal, P.S.- Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 19-07-2024 Heard Mr. Javed Aslam, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner apprehends arrest in Gopalpur P.S.
Case No. 23 of 2024, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 134.4 liters
liquor was recovered from two motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner also submits that the petitioner is neither
owner nor rider of any of the motorcycles in question. The
petitioner was not present at the place of occurrence. Name of



the petitioner has transpired on the basis of confessional statement of co-accused Amresh Giri which has no evidentiary value. The petitioner has got two criminal antecedents in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 32204 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/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 Court below/concerned Court in connection with Gopalpur P.S. Case No. 23 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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