

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49638 of 2024

Arising Out of PS. Case No.-268 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Jaan Mohammad, aged about 25 years, Gender-Male, Son of Kalamu @
Kalamuddin Ansari, Resident of Vill- Srinagar, P.S.- G.B. Nagar, District-
Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party : Mr. Chandra Sen Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with G.B. Nagar P.S. Case No. 268 of 2022 dated
04.08.2022 registered for the offences punishable under
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Act, 2016.

3. As per the prosecution case, total 171.960 litres
illicit country made liquor and foreign liquor was recovered
from the *Tempo* in question from which the co-accused
Mainuddin Ansari was arrested and the apprehended co-accused
Mainuddin Ansari has disclosed the name of the petitioner and



other co-accused Sher Mohammad as fleeing persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that neither the alleged liquor nor the *Tempo* in question belongs to the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in the present case only on the basis of the confessional statement of the co-accused Mainuddin Ansari which has got no evidentiary value in the eye of law. It is further submitted that except the confessional statement of the co-accused Maninuddin Ansari there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no statutory compliance of Section 100 of the Cr.P.C. The petitioner has no concern with the alleged liquor. The other co-accused person Mainuddin Ansari has already been granted regular bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 63622 of 2022 under order dated 23.12.2022 and the co-accused Sher Mohammad has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 32791 of 2023 under order dated 24.05.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.



5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special, Excise Court No. 1, Siwan, in connection with G.B. Nagar P.S. Case No. 268 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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