

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52669 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- BHORE District- Gopalganj

Aslam Miyan @ Aslam Mansoori S/O Sujayat Miyan @ Subhan Miyan R/O
Village- Lamichaur Paschim Tola, P.S- Bhore, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Bhore P.S. Case No.437 of 2023 dated 03.09.2023, lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 pending before the learned Additional District and Sessions Judge 13th cum-Special Excise Court No.1, Gopalganj.

3. As per the prosecution story, FIR has been lodged against 4 named accused persons including the present petitioner. Total 59.2 litres of illicit liquor was recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner is neither apprehended nor recovery has been made from his possession nor the vehicle belongs to him. Counsel submits that the name of the petitioner



has been figured in this case only and only by virtue of the confessional statement of the co-accused who was apprehended by the police and from whose possession, wine has been recovered. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that nothing has been recovered from the petitioner's possession, but it is also true that there is one criminal case pending against the petitioner which is of excise act.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. Liberty is hereby granted to the petitioner that the Trial Court without being prejudice about rejection of the anticipatory bail of the petitioner shall pass order on merit and dispose off his bail application on the same day, if the petitioner surrenders within four weeks from today.

(Dr. Anshuman, J)

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