

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52507 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- MIRGANJ District- Gopalganj

1.

Irfan Ali, (Male), aged about 26 years, S/o Noor Mohammad, R/o vill- Dewapur Akil Tola, P.S. - Manjhagarh, Distt. - Gopalganj.
2.

Kalam Miya @ Kalam Hussain, (Male), aged about 23 years, S/o Ainul Haque, R/o vill - Dewapur Akil Tola, P.S. - Manjhagarh, Distt. - Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Mirganj P.S. Case No. 73 of 2024 dated 29.02.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 207 litres of illicit country made liquor was recovered from the Scorpio vehicle in question. It is alleged that the co-accused Md. Afzal was apprehended from the said vehicle and who disclosed the name of the petitioners.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners were not apprehended at the place of occurrence and their names have surfaced in the present case on the basis of the confessional statement of the co-accused Mohammad Afzal and the said co-accused person Mohammad Afzal has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 36150 of 2024 under order dated 13.05.2024. The petitioners' family have inimical term with the said co-accused Mohammad Afzal. The petitioners are neither the owner nor the driver of the Scorpio vehicle in question. They have no concern with the alleged offence. The petitioner no. 1 has two criminal antecedents in which he is on bail and the petitioner no. 2 has one criminal antecedent in which he is on bail 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No.-II, Gopalganj, in connection with Mirganj P.S. Case No. 73 of 2024, 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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