

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52547 of 2024

Arising Out of PS. Case No.-570 Year-2024 Thana- Excise P.S. District- Aurangabad

Taukir Ansari, Son of Rahmat Ansari, R/o Village- Jaihind Tendua, P.S.- Mali,
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-08-2024 **1.** Heard Mr. Shailesh Kumar Singh, learned counsel for the petitioner and Mr. Gauri Shankar Gupta, learned APP for the State.
- 2.** The petitioner apprehends his arrest in connection with Aurangabad Excise P.S. Case No. 570 of 2024 dated 12.06.2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.
- 3.** Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR and his name has surfaced in the present case during investigation only as an owner of the seized motorcycle and even at the time of search of the alleged motorcycle, the petitioner was not present at the spot which is clearly evident from the FIR itself, in fact the co-



accused, namely, Rizwan Ansari took the alleged motorcycle from the petitioner on account of medical urgency to bring his mother from hospital but he misused the petitioner's motorcycle for carrying illicit liquor and the petitioner has fair and clean antecedent.

4. Learned APP for the State has opposed the prayer for bail.

5. Heard both the sides and perused the FIR. Though admittedly the petitioner's motorcycle was used in carrying the alleged seized liquor but except the use of petitioner's motorcycle, the prosecution has not shown any relevant material to show the petitioner's active involvement in the commission of the alleged transportation of liquor and the petitioner has got no criminal antecedent and he is not named in the FIR and he has taken the plea that his motorcycle was taken by co-accused Rizwan Ansari on account of medical urgency of his mother but he misused the alleged motorcycle in the alleged crime, considering these facts, in my opinion, the petitioner has made out it a fit case for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Aurangabad Excise P.S. Case No. 570 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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