

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54120 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- BAHADURGANJ District- Kishanganj

Shahid Raja @ Hasina Mulla @ Shahid Raza Ansari @ Shahid Reja Son of
Abid Hussain @ Kinwa R/O Vill.- Ward no.3, Guna Samesar, P.s.-
Bahadurganj, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Special Case No. 437 of 2023 arising out of Bahadurganj P.S. Case No. 318 of 2023 registered for the offences punishable under Sections 30/41, r/w Sections 14/32 and 47 of Bihar Prohibition and Excise Act-2016.

3. As per prosecution case, 166.250 litre foreign liquor was recovered from Bolero car in question. Apprehended co-accused Mukesh Kumar Keshri and Md. Mohid Ansari disclosed the name of the petitioner and other who succeeded in fleeing away from the place of occurrence and they are said to have acted as a liner of the said occurrence.



4. Learned counsel for the petitioner submits that co-accused Panch Lal Yadav who is the owner of the said Bolero car in question, has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 6644 of 2024. Except disclosure of apprehended co-accused Mukesh Kumar Keshri and Md. Mohid Ansari, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case on account of high handedness of police personnel. Petitioner bears no criminal antecedent. No incriminating article has been recovered from the possession of the petitioner. He has no concern either with the alleged car or with the seized liquor. Petitioner was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail by the Co-ordinate



Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 learned Additional Sessions Judge 2nd cum Special Judge, Kishanganj in connection with Spl. Case No. 437 of 2023 arising out of Bahadurganj P.S. Case No. 318 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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