

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59404 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- HAYAGHAT District- Darbhanga

Rizwan, Male, aged about 37 years, S/O Tarquat, Resident of Saloni, P.S-
Babugadh Chhawani, Distt.- Hapur (U.P).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kaushal Kumar, Advocate
For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

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

ORAL ORDER

3 30-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any,
within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Hayaghat P.S. Case No. 69 of 2023 dated
30.05.2023 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. As per the prosecution case, total 1587.420
litres of country made liquor was recovered from the bus of



the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case due to dirty village politics. It is submitted that during investigation not even a single witness has come forward to support the prosecution case and all witness is police personnel of the informant. The petitioner has been made accused in the present case as the petitioner is the owner of the said bus and the said vehicle was not being driven by the petitioner at the time of the alleged recovery. There is no compliance of Section 100 of Cr.P.C. Other co-accused has already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 58210 of 2023 under order dated 05.09.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

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



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Darbhanga, in connection with Hayaghat P.S. Case No. 69 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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