

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74746 of 2024

Arising Out of PS. Case No.-376 Year-2020 Thana- GHORASAHAN District- East
Champaran

Md. Masoom son of Dabir Ahmad Resident of VILLAGE- JAMUA , P.S.-
GHORASAHAN, JHAROKHAR DIST- EAST CHAMPARAN, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhandev Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Ghorasahan (Jharokhar) P.S. Case no. 376 of 2020, registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, 15.300 litres of Nepali liquor was recovered from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that no incriminating article has been recovered from his possession or from his motorcycle. Accepting the allegations for the sake of argument, it is submitted that at the time of the alleged recovery, the motorcycle was parked at a public place. The petitioner has



no concern with the seized article and has been falsely implicated in the case only for the reason that he happens to be the registered owner of the vehicle in question. He has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R and specially the petitioner not having any antecedent under the Bihar Prohibition & Excise Act, 2016, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Ghorasahan (Jharokhar) P.S. Case no. 376 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Court-3, East Champaran, Motihari.

(Partha Sarthy, J)

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