

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78854 of 2024

Arising Out of PS. Case No.-215 Year-2022 Thana- RIGA District- Sitamarhi

Meraz Khan @ Meraj Khan @ Meraj Khav Son of Jamil Akhtar Resident of
Village - Marpa, P.O. - Pipra Dadan, P.S. - Kanhauli, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shaheen Begum, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2024 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Riga P.S.Case No. 215 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that a motorcycle bearing Registration No. BR30L-1422 was apprehended by the police at the alleged date and time of occurrence and 22.2 liters of Nepali saufi liquor was recovered as also two persons, namely, Bajrangi Purvey and Ram Kalebar Paswan, were apprehended from the spot on 6.6.2022. It is alleged that upon investigation, it has transpired that the said motorcycle is



registered in the name of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted, by referring to Annexure-P/2 to the present petition that the co-accused person, namely, Bajrangi Purvey, has sworn an affidavit dated 25.7.2024, wherein he has stated that he had purchased the aforesaid motorcycle on 15.10.2017 from the petitioner. Thus, it is the submission of the petitioner that neither the petitioner was arrested from the spot nor any illicit liquor has been recovered from his possession, apart from the fact that the petitioner had sold the motorcycle in question to the co-accused person, namely, Bajrangi Purvey, on 15.10.2017, itself and it is he who has been arrested by the police along with the aforesaid motorcycle on 6.6.2022, hence no offence is made out qua the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016. It is further submitted that the said Bajrangi Purvey has already been granted the privilege of bail by the learned Trial Court.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record, this Court finds that neither the illicit liquor has been recovered from the possession of the petitioner nor the petitioner has been apprehended from the spot, however the illicit liquor has been recovered from a motorcycle, which was being driven by the co-accused persons, namely Bajrangi Purvey and one another and the petitioner is stated to have sold the motorcycle in question to the said Bajrangi Purvey, who has already been granted bail by the learned Trial Court, hence, prima facie, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the petitioner is concerned, thus, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, shall not be an impediment for grant of anticipatory bail to the petitioner herein. Hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Court-1, Sitamarhi, in connection with Riga P.S.Case No. 215 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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