

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76724 of 2024

Arising Out of PS. Case No.-951 Year-2024 Thana- Excise P.S. District- Kishanganj

Mazhar Alam @ Mazhar S/O Ramzan Ali R/O Village- Balu Basti, Tegharia,
Ward No. 08, P.S- Kishanganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 951 of 2024 dated 09.08.2024 registered under Section 30(a) / 32 (3) of the Bihar Prohibition and Excise Amendment Act 2018.

3. As per the prosecution case Excise Officials got secret information that the co-accused / Soma Kumar is indulged in selling of illicit liquor from his house. On this information, Excise Officials proceeded towards the place of occurrence and no sooner than they reached near the house of the co-accused / Soma Kumar and other upon seeing the Police party carrying black colour plastic bag tried to flee away on their motorcycle,



however, one of them was apprehended and one succeeded in fleeing away. On asking, the apprehended accused person disclosed the name of the petitioner as the person who succeeded in fleeing away. The Police recovered 01 liter of country made liquor from the seized motorcycle belonging to the petitioner and also 12 liters of country made liquor were recovered from the house of Soma Kumar.

4. Learned counsel for the petitioner submits that petitioner has been implicated because he happens to be the owner of the motorcycle. The motorcycle in question was borrowed by the co-accused / Aftab Alam for some urgent purpose and the petitioner was not aware about illicit liquor being carried in the said motorcycle by the arrested co-accused. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the justification given by the petitioner and the fact that petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of 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 Addl. District & Sessions Judge-IV, Special Judge (Excise)-II, Kishanganj in connection with Excise P.S. Case No. 951 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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