

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75556 of 2024

Arising Out of PS. Case No.-60 Year-2020 Thana- NAUTAN District- Siwan

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Bashir Ahmad son of Md. Abbas Village- Tetahli, P.S.- Barharia, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard Mr. Raghav Prasad, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. Altogether 4.500 litres of foreign liquor has been
recovered from a motorcycle, which belongs to this petitioner.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner or from his house. He has
no concern either with the seized liquor or the place of recovery
or any trade of liquor. The allegation levelled against the
petitioner is totally false and based on concocted facts. He was



not apprehended on the spot. He is not named in the FIR. His name has been transpired in the present case merely because he is the registered owner of the seized motorcycle, which was sold by the petitioner to one Haider Ali in the year 2012, which is also mentioned in para 8 of the bail application. Learned counsel further submits that petitioner had no knowledge about the present case, but after long time, when the police sent a notice under Section 91 Cr.P.C. to the petitioner (Annexure-3), he came to know that he has been made accused in the present case. It is further submitted that petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in



connection with Nautan P.S. Case No. 60 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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