

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79021 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Narhiya District- Madhubani

Bhola Miyan @ Saroj @ Md. Saroj S/o- Late Jalil Miyan Village-Bangama
Ward No 11 PS- Narahiya Distt-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-12-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Narahiya PS case no. 43 of 2024, disclosing
offences punishable under Sections 274 and 275 of B.N.S.
Act and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.
3. The prosecution story, as per the First
Information report, is that on the basis of secret information,
the informant along with police force reached near chicken
shop at Saday Tola at Babhangama and saw that one person
is loading sack on a motorcycle. The Police tried to
apprehend but he succeeded in fleeing away leaving the sack.
On search, 18 liters of Nepali country made Mama Shree



liquor was recovered and local people told the name of absconded accused as Bhola Miyan (petitioner herein).

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on mere suspicion. He further submits that neither the motorcycle belonged to the petitioner nor the illicit liquor has been recovered from his possession.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from an open space, accessed by everyone as also the fact that petitioner is having no criminal antecedent and is not the owner of motorcycle as stated in para 13, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Narahiya PS case no. 43 of



2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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