

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79346 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- BAHADURGANJ District- Kishanganj

Shamim Akhtar @ Shamim S/O Md. Ibrahim Resident of Village - Jurail, P.S
-b-Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail

has been filed by the petitioner apprehending his arrest in

a case instituted for the offence punishable under Section

30(a) r/w 32 of Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 8.445

litres Indian Made Foreign Liquor from an Motorcycle

bearing Reg. No. BR-37L-8875. Petitioner alleged to be

the owner of the aforementioned motorcycle.

4. Learned counsel appearing on behalf of the

petitioner has submitted that petitioner is innocent and



has committed no offence. He has no concern with the alleged recovery. The petitioner is registered owner of the said motorcycle and due to this he has been made accused in this case. He is not named in the F.I.R. It is further submitted that the petitioner has no knowledge about the seized liquor and he had given his motorcycle to one Gaurav Kumar under the mortgaged for Rs. 10,000/- and there is an agreement in this regard which is annexed as Annexure 2 to this petition. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with



Bahadurganj P.S. Case no. 346 of 2023, Special case No. 485 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II-cum-Special Judge (Excise 1), Kishanganj, subject to the conditions as laid down under section 438(2) of the Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of



similar nature after enlargement on bail, his bail bonds
may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

U		T	
---	--	---	--

