

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77065 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- MADHWAPUR District- Madhubani

Md. Samshaid @ Md. Samshad Son of Md. Islam Resident of Village - Mahisari, P.S. - Singhwara , District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Madhwapur P.S. Case No. 32 of 2024 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 and Section 20/22 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 72.600 litres illicit liquor and 1.300 Kg. *Ganja* from tempo.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner is not named in the F.I.R. and has been made accused in this case on the basis of his being the owner of the alleged tempo bearing Regd. No. BR07PB-3494. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged seized liquor or the contraband. The petitioner has also no concern with the seized Mahindra Auto bearing Regd. No. BR07PB-3494. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Suman Kumar @ Suman Sahni has been granted anticipatory regular bail by this Court vide order dated 02.08.2024 passed in Cr. Misc. No. 53567 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhwapur P.S. Case No. 32 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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