

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81967 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- BARHARIA District- Siwan

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Irfan @ Irfan Khan @ Javed Son of Neyaju Khan Resident- Lauwan, P.S.-
Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shyamli Kumari, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Barharia P.S. Case No. 308 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total
1339.200 litres liquor was recovered from Tractor.

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.
Petitioner has no knowledge and concern with the alleged
recovery. Nothing incriminating has been recovered from the
possession of the petitioner. It is submitted that the name of the



petitioner has transpired on the basis of confessional statement of co-accused namely, Abhishek Kumar. It is further submitted that the seized vehicle does not belong to the petitioner. The petitioner has no criminal antecedent. There is no compliance of Section 100 Cr.P.C. Other co-accused has been granted bail by this Court vide order dated 28.10.2024 in Cr. Misc. No. 77255 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, 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 Barhariya P.S. Case No. 308 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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