

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84288 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- BALIGAON District- Vaishali

Md Jubair @ Md. Jubair Alam S/O Md. Rafique @ Md. Rafik Resident of
Village- Bahadurpur Chiknauta, P.S.- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Baligaon P.S. Case No. 122 of 2024 registered under Section 317(5) of the BNS and Section 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act.

3. As per the first information report the Police recovered 270 liters of illegal Indian make foreign liquor from a Pick Up Van bearing registration no. BR11L5591 and 18 liters of Indian make foreign liquor from one Apache motorcycle bearing registration no. BR06CS4318 and arrested one person.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated by the Police due to oblique motive. He submits that the petitioner is neither the owner nor the driver of the Pick Up Van and Apache motorcycle in



question. He further submits that no incriminating article and / or illicit liquor has been recovered from the conscious possession of the petitioner or vehicle belonging to him.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that illicit liquor has not been recovered from the conscious possession and / or vehicle belonging to the petitioner and the petitioner is neither the owner nor the driver of the aforesaid vehicles, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 -cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 122 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

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

(Anil Kumar Sinha, J)

