

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83670 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- Sri Nagar District- Purnia

Gulam Rabbani S/O Abdul Razzaque Resident of Vill - Rahikpur, P.S-
Srinagar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Srinagar P.S. Case No.81 of 2024 dated 06.10.2024 instituted
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. The allegation is of recovery of 32.625 litres
foreign liquor from the Toto rickshaw.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that no recovery has been made
from the conscious possession of the petitioner. It is also
submitted that the said Toto rickshaw was being driven by co-
accused Dikhush Kumar, who was apprehended from the spot
and he disclosed the name of the petitioner. It is next submitted
that petitioner is not the owner of the seized Toto and he has



been implicated only on confessional statement of apprehended accused. Lastly, it has been submitted that petitioner has one criminal case against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Srinagar P.S. Case No.81 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Court No.I, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Prakash Narayan

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