

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85129 of 2024

Arising Out of PS. Case No.-238 Year-2021 Thana- SIKTI District- Araria

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Bashar @ Md. Abu Bashar @ Abu Bashar S/O Md. Khalid Hussain Resident
of village- Palasi Panchayat Chahatpur Ward no.- 08 Police Station- Palasi,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Nand Kishore Pd.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in
connection with Skity P.S. Case No. 238/2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, there is alleged
recovery of 72 liters Nepali country made wine from Apachey
motorcycle. Apprehended co-accused Md. Nadim disclosed the
name of the petitioner and other who fled away from the place
of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case i.e Sikty P.S. Case No. 07/2022 which is lodged prior to the present case and the petitioner is on bail in the said case. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel for the petitioner orally submits that the petitioner is not owner of the said motorcycle in question but he stated in para 9 of the bail petition that petitioner has no concern either with the seized motorcycle or with the seized liquor. He further submits that nothing has been recovered from the conscious possession of the petitioner and seizure list has not been prepared as per law.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Exclusive Special Judge Excise-2nd, Araria in connection with Skity P.S. Case No. 238/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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