

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86946 of 2024

Arising Out of PS. Case No.-518 Year-2024 Thana- SAKRA District- Muzaffarpur

Md. Isteyak Son of Late Mumtaz Resident of Village- Sakra Faridpur, PS- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sakra P.S. Case No. 518 of 2024 registered for the offences punishable under Sections 274, 275, 61(2), 3(5) of the Bhartiya Nyaya Sanhita and Sections 30(a), 32(i), 32(2), 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2022 (Amended).

3. As per prosecution case, the police has recovered 1651.680 liters of illicit foreign liquor from three vehicles.

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 due to dirty local politics. He further submits that nothing



incriminating has been recovered from his conscious possession. The petitioner has been made accused in this case on the basis of the secret information as well as the confessional statement of the co-accused before the police. The petitioner has no concern with the seized vehicles or the recovered liquor. The petitioner has never indulged in trade of illicit liquor. The petitioner is neither owner nor driver of the alleged vehicles. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Sonu Chaurasiya @ Sonu Kumar has been granted anticipatory bail by this Court vide order dated 05.12.2024 passed in Cr. Misc. No. 83508 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 Sakra P.S. Case No. 518 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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