

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3342 of 2025

Arising Out of PS. Case No.-301 Year-2022 Thana- Excise P.S. District- Madhepura

MD. ARBAZ S/O MD. JAKHIR @ MD. JAKIR R/O VIII.- BHIRKHI,
WARD NO - 26, P.S. AND DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Madhepura Excise P.S. Case No. 301 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. It is alleged that the police on a tip-off trade of illicit cough syrup intercepted a wagon-R vehicle bearing Registration No. BR01AD-4106 and apprehended one Sumit Kumar. On search, total 199 litres of illegal cough syrup was recovered from the said vehicle. The apprehended person disclosed the name of the petitioner as one of his associate.

4. Learned Advocate for the petitioner contended that the petitioner has neither any concerned with the alleged



Wagon-R vehicle from where recovery has been made nor with the co-accused *Sumit Kumar*. Barring the disclosure made by the apprehended persons there is no material suggesting the complicity of the petitioner in the crime. The petitioner was neither having dominion or control over the alleged place from where recovery has been made nor has any concerned with the crime in question. The petitioner has fair antecedent and he undertakes before this Court that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State has vehemently opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Wagon-R vehicle which doesn't belong to the petitioner coupled with the fair antecedent, moreover, the materials available on record does not attract the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge- VII- cum-Special Judge, Excise-II, Madhepura, in connection with Madhepura Excise P.S. Case No. 301 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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