

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3596 of 2025

Arising Out of PS. Case No.-421 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

Ashraful Islam S/o- Md. Nasim Village- Khairi Banka Ps- Bisfi Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Adv
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with L.N.M.U. P.S Case No. 421 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition of Excise Act, 2016.

3. As per the prosecution case, two persons namely *Sujeet Mehto* and *Bikash Mehto* were involved in the illegal business of liquor. It is further alleged that two vehicles one Bolero Car bearing Reg. BR06PA1105 and E-Rikshaw were parked in front of their house and both the accused were unloading the liquors and on seeing the police they tried to flee but they were apprehended. On being searched, 90 litres of



illegal Nepali liquor was recovered from the said Bolero car, 18 litres of illegal Nepali liquor was recovered from the said E-Rikshaw and 90 litres of liquor was also recovered from the house of the co-accused *Bikash Mahto*, hence, total 198 litres of illegal Nepali liquor was recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has transpired in this case merely on the basis of being the owner of the said seized vehicle. It is further submitted that the petitioner has sold his Bolero Car to the co-accused *Sujeet Mahto*. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition and he is in no way connected with the alleged crime.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Though this Court has taken note that there is no document to suggest that the said Bolero car which originally belonged to the petitioner had actually been transferred to the co-accused *Sujeet Mahto* however considering the fact that the



petitioner was not present at the place of occurrence and there is no evidence to connect the petitioner with the crime, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 the learned court concerned, Darbhanga, in connection with L.N.M.U. P.S Case No. 421 of 2022, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.).

7. Accordingly, the present application stands allowed.

(Sourendra Pandey, J)

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