

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11800 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- Excise P.S. District- Madhubani

Md. Irfan Md Mumtaz Resident of Village- Milkichak @ Milti Chowk, P.S.-
Bahadurpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sadar Excise P.S. Case No. 241 of 2024 registered for the alleged offence under Section 30 (a) of the Bihar Prohibition Act and Excise Act.

03. As per prosecution case, during patrolling, police received secret information about transportation of illicit liquor and two persons were found coming on a Tempo who were signaled to stop but they tried to run away with the Tempo taking a U-turn and they were chased and apprehended by the police party. On search of the Tempo, recovery of total 189 liters of country made Nepali liquor was made. The petitioner is stated to be the owner of the Tempo.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is evident that only two persons were riding the vehicle and who were also driving the same and they tried to flee away on seeing the police party and were apprehended. This shows the petitioner was not present at the spot and has no involvement in the said occurrence. The petitioner has no knowledge about illicit liquor being carried in Tempo as he gave his Tempo to driver for running as passenger vehicle. He was having no knowledge about contraband being carried in the Tempo. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the vague and remote nature of allegation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/court concerned in connection with Madhubani



Sadar Excise P.S. Case No. 241 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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