

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11369 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- GADHPURA District- Begusarai

1. Md. Israil S/O Manilal Dhuniya @ Manilal Dhunia R/O Village- Korai, Ward No.09, P.S- Gadhpura (Garhpura), Distt.- Begusarai.
2. Md. Moti @ Aashique @ Md. Aashique S/O Md. Siraj R/O Village- Korai, Ward No.07, P.S- Gadhpura (Garhpura), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-03-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Gadhpura (Garhpura) P.S. Case No. 05 of 2025 dated 15.01.2025 registered under Sections 25(1-b)a, 26, 25 (1)(a), 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution story in brief is that the police on 15.01.2025 were on duty and was raiding for arrest of the FIR named accused in connection with Gadhpura P.S. Case No. 04 of 2025. When the police party reached near gachhi situated in the village Korai, then the informant and the raiding team saw that three accused persons upon seeing the police party started



fleeing away. The police tried to catch them however, out of three, two persons succeeded in fleeing away and one person was arrested from whose possession three live cartridges of 8 mm and 1.375 liters of illicit liquor was recovered. The apprehended accused person disclosed to the police the name of the petitioners as the persons who succeeded in fleeing away. Upon asking the apprehended accused person disclosed that he had come to sell three cartridges to Md. Israil and Md. Moti (petitioners) and upon asking about the seized illicit liquor he disclosed that the liquor was brought for the purpose of consumption.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of disclosure of their name by the arrested co-accused person. The cartridges have been recovered from the possession of arrested co-accused.

5. Regard being had to the submission made by the parties, taking into consideration the fact that the petitioner no. 1 is having criminal antecedent under Section 309 (4) of the B.N.S. equivalent to Section 392 of the I.P.C., as such, I am not inclined to grant anticipatory bail to the petitioner no. 1. The prayer for anticipatory bail of the petitioner no. 1 is rejected.



6. Considering the fact that the petitioner no. 2 is having criminal antecedent under Section 323, 325 and other minor sections of the I.P.C. accordingly I am inclined to grant anticipatory bail to the petitioner no. 2.

7. Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Excise Judge-I, Begusarai in connection with Gadhpura (Garhpura) P.S. Case No. 05 of 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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