

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14866 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- ANDHRATHARHI District- Madhubani

Md. Gulshan @ Akbar Raian Son of Safik Raain @ Safid Rain @ Bholat
Raain R/o- Ward No 4, Village- Tharhi @ Thadhi, PS- Andhrathadhi @
Andhratharhi, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Pd., App.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-04-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Andhrathadhi Police Station Case No. 180 of 2024,
disclosing offences under Sections 274, 275, 3(5) of the BNS,
2023 and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, on 19.12.2024,
police got the secret information that one Manish Yadav was
acting like a liner and was lining a tempo having illicit liquor on
it, proceeded towards the place of occurrence and saw that the
Manish Yadav was driving the motorcycle and one Roshan
Yadav was pillion rider. Upon seeing the police party, they



started fleeing away and succeeded in the same. One tempo, having Reg. No. BR07GC1307, upon seeing the police party, also turned and started fleeing away. Police intercepted the tempo and two persons sitting on a tempo fled away, whose names were disclosed as Mohammad Irsad and Mohammad Gulshan (petitioner). Upon search, the police recovered 423 litres of Nepali saufi liquor from the tempo.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of secret information. No incriminating article has been recovered from the conscious possession and/or vehicle belonging to the petitioner. Petitioner is not the owner of the seized tempo from which is illicit liquor has been recovered.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that name of the petitioner has transpired on the basis of secret information and petitioner is not the owner of the tempo, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four



weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, in connection with Andhrathadhi Police Station Case No. 180 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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