

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20797 of 2025

Arising Out of PS. Case No.-261 Year-2019 Thana- BAISI District- Purnia

Tarique Raza Khan @ Tarikh S/O Md. Ali Reza Khan R/O Vill.- Nichitpur,
Ward no. 4, P.S.- Dalkhola, Dist.- Uttar Dinajpur, W.B.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Anand, Advocate
	:	Mr.Mohammad Akhter Hussain, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2025 Heard Mr. Abhishek Anand, learned counsel
appearing for the petitioner and Mr.Anil Kumar, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S.Case No.261 of 2019,FIR dated 13.11.2019 registered for the offences punishable under Sections 272,273 of IPC and Sections 30(a), 41, 47 of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 882 liters of foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the



confessional statement of apprehended co-accused person, namely, Murshid @ Md. Murshid Alam. From a bare perusal of the FIR as well as the seizure list it appears that altogether 882 liters of foreign liquor was recovered but nothing has been recovered from conscious possession of the petitioner and except the confessional statement of apprehended co-accused person, namely, Murshid @ Md. Murshid Alam, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that co-accused persons, namely, Murshid @ Md. Murshid Alam, Abdul Jalil, Umar Farooque @ Md. Farooque and Jagdish Kawariwala @ Krishna Devnath @ Bishnu Devnath @ Jadish Kawarewala have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 03.02.2022, 25.03.2025, 21.04.2025 and 06.05.2025 passed in Cr. Misc. Nos.23779 of 2021, 7503 of 2025, 15630 of 2025 and 24609 of 2025 respectively. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. Further submits that the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case, as mentioned in para-3 of the anticipatory bail petition.

6. This Court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav Vs. State of Bihar** reported in **2019 (2) PLJR 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of Counsel for the petitioner.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, name of the petitioner has been transpired during investigation on the basis of the confessional statement of apprehended co-accused person, namely, Murshid @ Md. Murshid Alam and similarly situated co-accused persons have been granted privilege of anticipatory bail by different Coordinate Benches of this



Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Exclusive Special Excise Judge-01, Purnea in connection with Baisi P.S.Case No.261 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) One of the bailors should be the family member of the petitioner and another bailor should be the resident of territorial jurisdiction of this Hon'ble Court.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

