

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21510 of 2025**

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

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Tarique Raza Khan @ Tarikh S/O Md. Ali Reza Khan R/O vill.- Nichitpur,
Ward no. 04, P.S.- Dalkhola, Dist.- Uttar Dinajpur, W.B.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Baisi P.S. Case No. 238 of 2019 lodged on 05.10.2019, for the offence punishable under Sections 272 & 273 of the Indian Penal Code read with sections 30(a),33, 41 & 47 of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 16000 litres of spirit has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that the alleged recovery has been made from the trucks and petitioner is neither owner, nor driver nor *khalasi* of the said vehicle. Counsel submits that the petitioner is not named in the FIR and he has unnecessarily been made accused in this case. Counsel submits that the petitioner's name has been figured in this case by virtue of the disclosure made by accused person namely, Murshid. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him in which in one case, he is on bail and in another, he is persuading for bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that two trucks of West Bengal have been recovered on which 16000 litres of spirit were kept and it is one named accused person Murshid who has disclosed the name of the petitioner. Counsel further submits that huge quantity of spirit has been recovered and petitioner's criminal antecedent is also not clean.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case,



the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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