

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29762 of 2025

Arising Out of PS. Case No.-172 Year-2020 Thana- BIRPUR District- Supaul

MD. NAFIS ALAM Son of Md. Shaukat Ali Resident of village - Ghurna
Bazar, Panchayat - Pathraha Ward No.- 6, P.S.- Ghurna, District - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 172 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 9 litre illicit liquor from the sack which was loaded on the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle in question. Learned counsel submits that



petitioner has sold his motorcycle to another person on 26.07.2017 for which he has filed affidavit which is form 29 dated 26.07.2017 and the same is annexed at annexure-2 of the bail petition. Learned counsel submits that petitioner is not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Judge, Excise, Court No.2,
Supaul in connection with Birpur P.S. Case No. 172 of
2020, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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