

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23838 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- Kotwali District- Darbhanga

Md. Asgar Ali S/o Liyakat Ali R/o Village- Kasbaarhar, Ward No 03, P.S.-
Tajpur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidyanath Prasad
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kotwali (Darbhanga) P.S. Case No. 22 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 69.120 litre illicit liquor was recovered near Museum Kiosk (Gumti) No. 26. Apprehended co-accused Ankit Gupta disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner was not found at the place of occurrence. He further submits that the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. He has nothing to do with the alleged occurrence. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, 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 Special Judge Ist
(Excise Act), Darbhanga in connection with Kotwali
(Darbhanga) P.S. Case No. 22 of 2025, subject to the conditions
as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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