

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26666 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- DHIBRA District- Aurangabad

Suhaib Ansari Son of Ayub Ansari Resident of village - Jotah Bigha, Panki P.O. Dularika, P.S.- Panki, District - Palamu Pin - 822122 at present address S 126/574, S 126 Kanak Durga Colony, R.K. Puram Sector- 12, South West Delhi, Pin - 110022.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Learned counsel for the petitioner is directed to make necessary correction in the name of the petitioner in course of the day.

3. Office is directed to do the needful.

4. The petitioner apprehends his arrest in connection with Dhibra P.S. Case No. 73 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

5. As per prosecution case, the police has recovered total 518.4 liters of illicit foreign liquor from the Xylo car.



6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested on the spot and his name has transpired in this case in course of investigation merely on the basis of his being the registered owner of the alleged Xylo vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

7. Learned counsel for the petitioner further submits that the co-accused has been granted regular bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 88097 of 2024.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also the petitioner having



no criminal antecedent, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhibra P.S. Case No. 73 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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