

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25568 of 2025

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

Somitulla @ Tanbir S/O Nijamuddin R/O Village- Dalkola Paschim Mahjidd ward No. 12, P.S- Dalkola, Distt.- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Baisi Police Station Case No. 261 of 2019, disclosing offences under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, on 13.11.2019 at around 1:45 AM, Police received a secret information about a Pick-up van transporting illegal liquor from Dalkola to Purnea. Upon this information, the Police set up a checkpoint at Dangraha Bridge and upon seeing the Police party, the driver of the pick-up van tried to flee but was caught. He identified himself as Sunil Yadav. Sunil Yadav revealed that a person



named Murshid from Dalkola had instructed him to transport the liquor to Purnea. Upon search of the vehicle, a total quantity of 842 liters of illicit foreign liquor and cash of Rs.10,700/- along with two mobile phones were recovered.

4. Learned Counsel for the petitioner submits that petitioner is not named in the FIR and has falsely been implicated in the present case on the basis of the confessional statement of co-accused. Learned counsel next submits that during course of investigation, the FIR named accused Murshid disclosed the name of the petitioner without any basis. The petitioner was not aware about the present case and only came to know recently when the police started searching him. Petitioner is not the owner of the seized vehicle. He further submits that similarly situated co-accused whose name was also disclosed by Murshid, during course of investigation has been granted anticipatory bail by this Court in Cr. Misc. No. 7503 of 2025 dated 25.03.2025.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused has been granted anticipatory bail by this Court and the petitioner is not the owner of the seized vehicle from where the illicit liquor has been recovered, I am



inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Judge Excise No. 1, Purnea, in connection with Baisi Police Station Case No. 261 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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