

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32602 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- PALASI District- Araria

=====

RAFIK @ RAFIK ALAM S/O Manir Uddin @ Manir R/O Village - Singhia,
Ward No.03, P.s.- Sikty, Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti

For the Opposite Party/s : Mrs. Sangeeta Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Palasi P.S. Case No. 57/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, the informant got secret information that the petitioner and other were carrying out Nepali illicit liquor. On the basis of said information, the informant and other police officials reached at the place of occurrence and recovered total 108 liters Nepali liquor from one motorcycle bearing Registration No.BR-37AA-5808. It is alleged that another motorcycle bearing Registration No.BR-37X-3403 was also recovered.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears three criminal antecedent in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. He further submits that the petitioner has no concern with the seized liquor. The petitioner is not owner of both seized motorcycles. He further submits that name of the petitioner has been transpired in this case on the basis of secret information but source of information has not been mentioned in the FIR which questions the authenticity of the FIR. The petitioner has falsely been implicated in this case at the instance of enemy in collusion with the police. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed 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 Court of learned District and Additional Sessions Judge cum Exclusive Special Excise Judge-II, Araria in connection with Palasi P.S. Case No. 57/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

