

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35333 of 2025

Arising Out of PS. Case No.-173 Year-2022 Thana- SAHPUR District- Patna

Md. Asraf Khan @ Asraf S/o Late Md. Safique R/o Nasariganj Paithan Toli
More, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudhir Prasad Singh Mr. Raju Kumar Goswami Mr. Rahul Ranjan
For the Opposite Party/s :		Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Learned counsel for the petitioner has filed

document of the sale letter of vehicle and the same is put on

record.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Shahpur P.S. Case No. 173 of 2022
registered for the offences punishable under Section 30(a),
56 and 41 of Bihar Prohibition and Excise Act.

4. As per prosecution case, there was alleged
recovery of 90 litre country made liquor from the tempo in
question bearing registration no. BR01PA-2745. FIR has



been lodged against owner and driver of the said vehicle.

5. 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 tempo in question. He further submits that petitioner has sold his tempo to Niraj Kumar, son of Mahesh Sao and said Niraj Kumar was running the tempo in question since 13.08.2021 as stated in para-9 of the bail petition but the present FIR has been lodged on 16.04.2022, therefore, the petitioner cannot be held liable for the alleged recovery. The copy of sale letter has been annexed but the same is not on record. Apart from that, petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 Special Excise Judge, Danapur (Patna), in connection with Shahpur P.S. Case No. 173 of 2022, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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