

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39218 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- SURSAND District- Sitamarhi

Ashgar @ Md. Ashgar S/o Md. Jajul R/o Village- Madhuban Gote, P.S.-
Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 01-07-2025 Heard Mr. Hans Lal Kumar, learned counsel for the
petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the
State.

2. The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Sursand P.S. Case No. 324 of 2024 instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from an auto,
altogether 153 liters of nepali country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case. He has further
submitted that the petitioner has been framed in this case because
he is owner of the said auto. He has also submitted that the auto



bearing Registration No. BR30P7106 has been sold to one Ashok Sah. Nothing has been recovered from the physical possession of this petitioner. A statement has been made in para-3 of this petition that he has got no criminal antecedent.

5. In contra, learned APP appearing for the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Sursand P.S. Case No. 324 of 2024, he will be enlarged on 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 Exclusive Special Excise Court No. 2, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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