

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38627 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Abul Hasan Son of Dos Mohammad Resident of village - Padari Piprapatti,
P.S.- Jhataha Bazar, District - Kushinagar, State - U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Motipur P.S. Case no.189 of 2024 registered under Section 414 of the Indian Penal Code and Sections 30(a), 32(2), 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of F.I.R and seizure list would go to show that a total of 3024 liters of foreign liquor was recovered from a truck bearing Registration No. UP57T-4878 and the driver of the said truck was arrested at the spot.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R and cause of his false implication is only for the reason that he happens to be the registered owner of the seized truck. No recovery has been



made from the physical or conscious possession of the petitioner. He further submits that petitioner has no knowledge that his driver used the seized truck in liquor supply. There was no independent witness to the seizure list and hence, mandatory provisions of search and seizure have been violated. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. At this stage, the petitioner is agreed to deposit a sum of Rs. 20,000/- in Mahavir Cancer Sansthan, Patna, bearing Account No. 3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

7. In view of the aforesaid facts and circumstances of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Motipur P.S. Case no.189 of 2024 on furnishing bail bond 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, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and
subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the
family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and
would make himself available before the Investigating Officer
as and when required till investigation is concluded against him.

(III) The bail bond of the petitioner shall be accepted
by the learned Court below on showing receipt of deposit of the
aforesaid amount in the account of Mahavir Cancer Sansthan,
Patna.

(Soni Shrivastava, J)

Harsh/-

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