

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42092 of 2025

Arising Out of PS. Case No.-244 Year-2024 Thana- KASBA District- Purnia

Md. Chand S/O Iftkar Alam Resident of Village- Karan Dighi (C.S. wine shop
Uttari Dinajpur), P.S- Karan Dighi, Distt.- Uttari Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kasba PS Case No. 244 of 2024 instituted for the offences
under Sections 30(a) & 45 of the Bihar Prohibition and Excise
Act.

3. As per prosecution case, the police has recovered
total 208.560 liters of illicit foreign liquor from Scorpio.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was neither apprehended on spot nor anything
incriminating has been recovered from his conscious possession.



The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Mukesh Kumar recorded before the police which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Mukesh Kumar has already been granted regular bail by this Court vide order dated 16.12.2024 passed in Cr. Misc. No. 85075 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 in connection with Kasba PS
Case No. 244 of 2024, subject to the conditions as laid down
under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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