

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57811 of 2025

Arising Out of PS. Case No.-491 Year-2023 Thana- DHAKA District- East Champaran

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Arsalan @ Md. Arslan Son of Mo Kafil Resident of Village- Kusmahwa, P.S.-
Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shahid Jawed, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Dhaka P.S. Case No.491 of 2023 instituted under Sections 414/34 of
the Indian Penal Code and Sections 30(a) and 41(i) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 270
liter Nepali liquor from a car. It is alleged that the petitioner fled
away after seeing the police.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case due
to village politics. He further submits that the petitioner was not
present on the spot and no incriminating article has been recovered
from his conscious or constructive possession and the name of the
petitioner surfaced in this case only on the basis of confessional



statement of the co-accused persons in police custody which has no evidentiary value in the eye of law. Learned counsel submits that the similarly situated co-accused person Mikendra @ Mikendra Kumar has been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 29.03.2024 passed in Cr. Misc. No. 21838 of 2024. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, East Champaran, Motihari in connection with Dhaka P.S. Case No. 491 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Dutta Mishra, J)

AjayMishra/-

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