

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65759 of 2025

Arising Out of PS. Case No.-63 Year-2022 Thana- GARHI District- Jamui

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Md. Sharfuddin S/o Md. Ainul Haque R/o Village - Pandariya, P.S -
Ahilyapur, District - Giridih, (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mrs.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 of the petition during

course of the day.

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 Garhi P.S. Case No. 63 of 2022 registered for
the offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act and Section 272, 273 of the IPC.

4. As per prosecution case, 40 litre country made
liquor was recovered from Hero Glamour Motorcycle bearing
Registration No. WBAT-1687. It is also alleged that one Hero
Splendor Motorcycle bearing Registration No. BR 46D-280,



Chasis No. MBLHA10CGGHD45004, Engine No. HA10ERGHD44711 was also recovered from the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation name of petitioner has been transpired in this case as owner of one of the motorcycles bearing Chasis No. MBLHA10CGGHD45004, Engine No. HA10ERGHD44711. Learned counsel further submits that Hero Splendor motorcycle of the petitioner bearing Registration No. JH11R 1951, Chasis No. MBLHA10CGGHD45004, Engine No. HA10ERGHD44711 was stolen on 14.03.2022 from village Hat Belatawa and petitioner complained before the Ahilyapur Police Station, District Giridih but police did not lodge the FIR and the miscreants after changing the registration number of aforesaid motorcycle misused the said motorcycle in the alleged crime. He further submits that petitioner is registered owner of Hero Splendor motorcycle bearing Registration No. JH11R 1951, Chasis No. MBLHA10CGGHD45004, Engine No.



HA10ERGH44711 which is evident from Annexure-2 to the bail petition. He further submits that petitioner bears no criminal antecedent. No incriminating article has been recovered from conscious possession of the petitioner. He further submits that from the FIR itself, it is evident that 40 litre country made liquor was recovered from Hero Glamour Motorcycle in question which does not belong to the petitioner. Petitioner has no concern with the seized liquor. Petitioner is not in any way connected with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision 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 Exclusive Excise Court-1, Jamui in connection with Garhi P.S. Case No. 63 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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