

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72094 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

Ali Baba @ Anurag Tiwari, aged about 30 years (M), S/O Ashok Tiwari
Resident of village- Nainapar Deoriya, P.S- Deoriya, District- Deoriya (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the Sate.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a), 32(2), 32(3), 36, 41(1) and 42(2) of the Bihar Prohibition and Excise Act, 2022 and Sections 414 and 34 of the Indian Penal Code.

3. As per allegation in the FIR, total 1379.7 of illicit liquor was recovered from a truck bearing registration no.JH-10-AL-0808.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner was not arrest at the spot and he has no concern with the seized liquor and nothing incriminating article has been recovered from his possession. He next submits that similarly situated co-accused has been granted anticipatory bail



by a Co-ordinate Bench of this Court passed in Cr. Misc.Nos.13322 of 2024, 13456 of 2024 and 25922 of 2024. Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid facts and circumstances, similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court as also the fact that the petitioner has got clean antecedent as stated in para-3 of the petition, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, Motihari, East Champaran in Kalyanpur P.S. Case No. 423 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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