

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85335 of 2024

Arising Out of PS. Case No.-98 Year-2022 Thana- GAUTAMBUDHNAGAR District- Siwan

Jan Mohammad S/o Kalamuddin Miya @ Kalamuddin Ansari R/o Sri Nagar,
P.S. - G.B. Nagar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with G.B. Nagar P.S. Case No. 98 of 2022, registered on 18.04.2022, for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about co-accused Kalamuddin Mian along with his two sons bringing a consignment of illicit liquor on a *tempo*. The said *tempo* was intercepted and recovery of 58.50 litres of India made foreign liquor and 31.140 litres of country made liquor was made from the said tempo. Three persons fled away from the tempo stated to be the petitioner and other two co-accused persons.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case due to his criminal antecedent. Nothing incriminating has been recovered from the person or possession of this petitioner. Recovery of illicit liquor was made from a three wheeler and the said three wheeler does not belong to this petitioner, who has no concern with the seized liquor. There is no material to connect the petitioner with the alleged offence and hence no offence under any of the provisions of Bihar Prohibition and Excise Act is made out against the petitioner.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. I, Siwan in connection with G.B. Nagar P.S. Case No. 98 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

