

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88452 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Nasir Hussain S/O Late Kadir Hussain Resident of Village- Raghunathpur,
P.S.- Raghunathpur, P.S- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raghunathpur P.S. Case No. 284 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 12.200 litre country made liquor was recovered near the house of co-accused Reena Devi and 1.200 litre country made liquor was recovered from the pocket of co-accused Dhanajay Giri and both were apprehended on the spot and they disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. He further submits that petitioner bears criminal antecedent of one case in which he is on bail. Petitioner has falsely been implicated in the case on account of enmity with the co-accused. He further submits that petitioner has no concern with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Special Judge Excise-II, Siwan in connection with Raghunathpur P.S.



Case No. 284 of 2024 subject to the conditions as laid down
under Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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