

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87440 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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Md. Riyaz Son of Md. Idris Resident of village - Ward No.- 08, Kothiya
Karmauli, P.S.- Kaluahi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Pallavi
For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Madhubani Town Police Station Case No. 174 of
2024, disclosing offences under Sections 30(a), 37 of the Bihar
Prohibition and Excise Act, 2016.
3. As per the prosecution case, on 26.04.2024 at about
18:00 hrs, informant received secret information and upon such
information proceeded towards BJP office Ayachi Nagar and
saw that one person with the Apache motorcycle, bearing Reg
No. - BR32Y5633, was in an intoxicated condition creating
noise and is using abusive words. Police party took the person
into custody and in the meanwhile, he got injured because of his



intoxicated condition. The police asked the identity of the person. He disclosed his name as Md. Manjur. Thereafter, the said Apache Motorcycle was searched and total 2 liters of country made liquor was recovered which was kept in a bag on the handle of the motorcycle. Thereafter, the police took the apprehended accused person to the Sadar Hospital for the treatment and conducted test with the help of breath analyzer. Police found 211.6mg/100 ml liquor in his body.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. Petitioner is not named in the FIR. Petitioner has been made accused on the basis of his being the registered owner of the seized motorcycle which he had given to the apprehended co-accused Md. Manjur for his personal use. Nothing has been recovered from the conscious possession of the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has been made accused on the basis of his being the registered owner of the seized motorcycle which he had given to the apprehended co-accused Md. Manjur for his personal use, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum-Special Judge, Excise Act, Madhubani, in connection with Madhubani Town Police Station Case No. 174 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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