

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87311 of 2024

Arising Out of PS. Case No.-113 Year-2022 Thana- BARGAINIA District- Sitamarhi

Md. Firoz Akhtar @ Md. Firoz S/o Mohd. Ataur Rahman Resident of village
and PO- Amwa Kalan, PS- Piparahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-01-2025 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 Bairgania Police Station Case No. 113 of 2022, dated 30.04.2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report lodged by the officials of the S.S.B., is that one person was seen coming from Nepal on a motorcycle and due to rain, he slipped and when the S.S.B. officials were going towards him, on seeing them, he fled away towards Nepal, leaving the motorcycle. On search of the motorcycle, the informant recovered 27 litres of illicit Nepali liquor.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he happens to be the registered owner of the motorcycle in question. He further submits that the petitioner has got no concern with the illicit liquor recovered and one of his relatives had borrowed his motorcycle for some urgent work. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused in the present case merely because he is the owner of the motorcycle which was borrowed by one of his relatives, 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 Exclusive Special Excise Court No. I, Sitamarhi, in connection with Bairgania



Police Station Case No. 113 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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