

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89521 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- SABAUR District- Bhagalpur

Mohd. Mister @Mohd. Mahrab Khan @ Mister Son of Late jhunnu @ Mohd. Kalim @ Mohd Jhunnu R/Vill - Tahbalpur Jagatpur, P.S.- Lodhipur, Distt - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner apprehends arrest in connection with Sabour P. S. Case No. 229 of 2024 dated 24-06-2024 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of total 13.5 litres of foreign liquor from a motorcycle bearing Registration No. BR-10AR -3471. It is alleged that two persons were arrested at the spot, namely, Mohd. Lukky and Mohd. Dilnawaz @ Lukky who disclosed the name of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered either from conscious possession of the petitioner or from the house of the petitioner rather the said illicit liquor was recovered from the motorcycle bearing Registration No. BR-10AR -3471 which belongs to Mohd Shamsheer. The name of the petitioner has been dragged in the instant case only on the basis of confessional statement of apprehended persons. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge -12-cum- Special Excise Judge-2, Bhagalpur, in Sabour P. S. Case No. 229 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.



7. The application stands allowed.

(Khatim Reza, J)

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