

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89851 of 2024

Arising Out of PS. Case No.-1258 Year-2023 Thana- Excise P.S. District- Patna

Md. Iqbal S/O Md. Nauman Resident of Harijan Colony, Bagh Malu Khan,
Chik Toli, P.S.-Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-01-2025 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 Excise P.S. Case No.1285 of 2023, disclosing offences under Section 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the police saw a tempo coming from Gandhi Setu Bridge and on seeing the police party, the driver and the owner fled away leaving the tempo bearing Reg. No. BR01PE-1571. On search, police recovered 500 liters of country made liquor from the tempo.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and no illicit liquor has been recovered from the conscious possession of the petitioner. The petitioner has been made accused on the basis of his being the registered owner of the



tempo which he had given to Md. Mahtab, who was driving the tempo for earning his livelihood and petitioner was not aware about the incident.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and has been made accused on the basis of his being the registered owner of the tempo which he had given to Md. Mahtab on payment basis , 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 Special Judge Excise-3rd, Patna, in connection with Excise P.S. Case No.1285 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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