

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90192 of 2024

Arising Out of PS. Case No.-154 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Md. Fakre Alam @ Pappu @ Md. Fakhre Alam S/o Late Md. Muzaffar Alam
Resident of Chairman Madarsa Hamibiya, Kila Ghat, P.S.- Laheriaysarai,
District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-01-2025 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 Laheriasara Police Station Case No. 154 of 2021,
disclosing offences under Sections 456/34 of the Indian Penal
Code and Section 37(b) of the Bihar Prohibition and Excise Act,
2016.

3. As per the FIR, on 16.03.2021, the news was viral
in electronic media that petitioner and one Md. Shamim were
seen taking wine in a room. On the direction of the superior
authority, the informant being the police officer went to the
house of Md. Hasim to verify the authenticity of the news who
told that the house has been given on rent to one Md. Jafar who



is engaged in repair of air conditioner, cooler, washing machine etc. Upon inquiry from Md. Jafar about the liquor being taken by the petitioner and others, he told that two rooms and a shed used as a workshop there in the house. Out of the two rooms, one room is used as an office having CCTV camera and the other room is used by the mechanics of Md. Jafar. The second room in which the mechanics reside, no CCTV camera is installed. He further informed that after verification of CCTV footage, it was found that on 15.03.2021, in the night, one Md. Pyare entered into the shop of Md. Jafar and after some time, the petitioner entered into the premises of Md. Jafar along with the mechanics. It has also been informed that the petitioner and others took liquor in the room meant for the mechanics. After the verification of the CCTV footage, the CCTV footage has been kept in the pendrive by the police.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he is Chairman of the Madarsa Hamidia and has not committed any offence in the manner alleged and he has falsely been implicated in this case due to local politics. He further submits that from perusal of the FIR, it would be evident that CCTV camera was installed in the room where the office of the workshop is situated and not



in the room where the mechanics of the workshop owner stay. The petitioner at best was seen entering into the workshop in the night and coming out of that in the CCTV footage but there is no footage of liquor being taken by the petitioner inside the room.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner is having no criminal antecedent and the only allegation is of consuming liquor, I am inclined to grant the petitioner privilege of anticipatory bail, subject to the condition that the petitioner shall deposit Rs. 5,000/- before the District Legal Services Authority, Darbhanga. It is made clear that the deposit made by the petitioner shall be without prejudice to his right and contention.

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 2 cum Special Judge Excise Act, Darbhanga, in connection with Laheriasara Police Station Case No. 154 of 2021, subject to the condition:-



(i) Laid down under Section 438 (2) of the Code of Criminal Procedure.

(ii) The petitioner shall deposit Rs. 5,000/- before the District Legal Services Authority, Darbhanga.

(Anil Kumar Sinha, J)

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