

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89872 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- NAUTAN District- Siwan

Md. Idris @ Mahammad Idris S/O Rahaman Miya R/O Vill.- Belaur Mathiya,
P.S.- Guthani, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Pankaj Kumar Singh, learned counsel for
the Petitioner and Mr. Nand Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 54 of 2024 dated 18.03.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 1.305 litres of foreign liquor from a motorcycle and admittedly, the petitioner was not found at the time of recovery at the alleged place riding on the alleged motorcycle. Though the petitioner is the registered owner of the said motorcycle but the co-accused namely, Nasib Ansari who was apprehended with the alleged liquor had taken the petitioner's motorcycle for his



personal use and the same was handed over by the petitioner in good faith on account of the co-accused Nasib Ansari being a relative of the said petitioner and it is not the case of prosecution as to some other person riding with apprehended co-accused and having managed to escape and the FIR clearly goes to show that the apprehended co-accused did not disclose the name of the petitioner as being involved in trafficking the alleged liquor, so, there is no material even prima facie against this petitioner to attract the alleged offences against him, so, the prohibition as to the relief of anticipatory bail mentioned in the Section 76 (2) of the Bihar Prohibition and Excise Act is not applicable against this petitioner. It is further submitted that petitioner is a sixty nine year old person having fair and clean antecedent. It is further submitted that the petitioner has been made accused in this matter mainly on account of being the registered owner of the said motorcycle.

4. Though learned APP for the State has opposed the prayer for bail of the petitioner but fairly accepted that except the reason of the petitioner being registered owner of the alleged motorcycle there is no other ground to make him accused in the present matter as per FIR.

5. Having considered the aforesaid submissions



advanced by petitioner’s counsel, this Court is inclined to accept the petitioner’s prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Nautan P.S. Case No. 54 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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