

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90388 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- NADI District- West Champaran

Jakir Miyan Son of Tabarak Miyan Resident of Village- Gobari, Ward No. 6,
P.S.- Semra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Nadi P.S. Case No. 48 of 2024 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, the police has recovered
total 410.53 liters of illicit foreign liquor from the Pick-up van
bearing Regd. No. BR-05GC-8521.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the owner of the alleged Pick-up van. Learned



counsel for the petitioner submits that without any knowledge to the petitioner, the alleged Pick-up van was given by one Sunil Kumar to the co-accused Pintu Yadav, Khalasi cum driver for delivery of articles and, as such, the petitioner had no knowledge regarding illegal wine which is said to be recovered from the vehicle. The petitioner has been falsely implicated in this case only because he is the owner of the alleged Pick-up van. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged recovered liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the driver of the alleged Pick-up van namely Pintu Yadav has already been granted regular bail by this Court vide order dated 04.12.2024 passed in Cr. Misc. No. 82555 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of



the case and taking into account the submissions made by the learned counsel for the petitioner as also the petitioner having no criminal antecedent, let the petitioner above-named, 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 bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nadi P.S. Case No. 48 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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