

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1244 of 2025

Arising Out of PS. Case No.-227 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Usman @ Usman Nadaf @ Md. Usman Nadaf Son of Md. Asgar Resident of
Village - Deep Madhubani, P.S. - Jhanjharpur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Shankar Kumar

For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 227 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471 of IPC and Section 30(a), 32, 41 and 47 of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 160.500 litre illicit liquor was recovered from Bolero vehicle in question. Apprehended co-accused, Santosh Kumar, disclosed that petitioner was driver of the said vehicle in question who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. He further submits that petitioner bears no criminal antecedent. He further submits that Bolero in question does not belong to the petitioner. Petitioner was not found at the place of occurrence. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned DJ-II-cum-Exclusive Special Judge (Excise-1), Kishanganj in connection with Kochadhaman P.S. Case No. 227 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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