

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56241 of 2018

Arising Out of PS.Case No. -127 Year- 2018 Thana -CHAND District- BHABHUA (KAIMUR)

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Mukaddar Shah @ Mukaddar, son of Rafiullah Shah, Resident of Village -
Basila Nasirpur, P.S. Chandauli, District - Chandauli (U.P.)

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate.

For the Opposite Party : Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 32 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 32
liters wine is recovered from the Pick up Van in question. The
name of the petitioner has come on the basis of seized Pick-up
Van. The petitioner is alleged to be owner of the said vehicle. The



Pick-up Van is run as a Public Carrier by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VI-cum-Special Judge, (Excise Act), Kaimur at Bhabua, in connection with Chand P.S. Case No. 127 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)