

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8589 of 2018

Arising Out of PS. Case No.-461 Year-2017 Thana- MINAPUR District- Muzaffarpur

Md. Afroz @ Afroz son of Zahir Mian @ Md. Zahir, r/o- village Ramji Chapra, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. SHAILENDRA KUMAR -1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 900 ml wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Jathhu Sah along with other co-accused. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 900 ml. wine is recovered from the open field in question in an abandoned state. The open field in question does not belong to the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned 3rd Additional Sessions Judge-cum-Special Judge, (Excise), Muzaffarpur connection with Minapur P.S. Case No. 461 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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