

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40801 of 2018

Arising Out of PS.Case No. -201 Year- 2018 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Md. Mustaque Dewan @ Mustaque Dewan, S/o Fareed Dewan, R/o Vill.-
Janerwa, P.S.- Banjariya, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, APP 109

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-07-2018 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 Sections 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3460
liters spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 3460 liters spirit is recovered from the
Truck in question. The Truck in question does not belong to the
petitioner. Motorcycle was also recovered which was parked by



the side of the Truck on the road. The said motorcycle is said to be of the petitioner but there is no recovery of any intoxicant from the motorcycle in question. The name of the petitioner has come on the basis of disclosure made by the co-accused Bhola Devan and Firoz Khan. 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 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/ 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 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Muffassil P.S. Case no. 201 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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