

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72312 of 2018

Arising Out of PS. Case No.-209 Year-2017 Thana- MADANPUR District- Aurangabad

Md. Ishrafir Mian @ Md. Ishrafil Mian, S/o Rajbali Mian, R/o Village-
Gadhi, P.S.- Semaria, District- Chatara (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a)/37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 12 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the motorcycle in question belongs to the petitioner. Same was given by the petitioner to the co-villager for his personal use. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 12 liters wine is recovered from the co-accused Vijay Kumar Singh and Deepak Kumar. 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 not 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 Additional Sessions Judge Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Madanpur P.S. case No.209 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

