

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39518 of 2018**

Arising Out of PS. Case No.-153 Year-2016 Thana- ANDER District- Siwan

Md. Asgar Khan @ Asgar Khan, Son of Md. Idrish Khan, Resident of Taj Nagar Nohsa, Police Station- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Neerad Parashar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-07-2018                      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, 308/34 of the I.P.C. and Sections 37(b)/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 555 ml 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. The said motorcycle 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 555 ml wine is recovered from the joint house of 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 A.D.J. 2nd-cum-Special Judge (Excise), Siwan in connection with Andar P.S. case No.153 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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