

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62779 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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Fida Khan, Son of Late Yunus Khan, Resident of Village- Kolhuwa
Chautarwa, Police Station- Chautarwa, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate.

For the Opposite Party : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018

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 10 liters wine
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 10 liters wine is recovered from the
motorcycle in question in abandoned stage. The petitioner has got
no concern with the motorcycle-in question. The name of the



petitioner has come on the basis of disclosure made by the local Chaukidar. 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.

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 Sessions Judge-VI-cum-Special Judge (Excise Act), West Champaran at Bettiah, in connection with Chautarwa P.S. Case No. 185 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)