

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40425 of 2018

Arising Out of PS.Case No. -105 Year- 2018 Thana -MAHESI District- SAHARSA

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Md. Afroj Alam @ Afroj Alam, S/o Md. Gaffar Miyan @ Md. Gaffar a
resident of village Latha Ward No. 4 P.S. Sadar District - Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kishore Singh, Advocate.

For the Opposite Party : Mr. Binod Kumar 3, APP 89

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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 30(a), 41(1) and 38(1) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 509.040
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 total 509.04 liters wine is recovered from
the Pick-up van in question. The name of the petitioner has come



on the basis of seized vehicle. The petitioner is alleged to be the owner of the vehicle. The said vehicle is run as a Public Career by the driver of the petitioner. 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 A.D.J.-IInd-cum-Special Judge, Excise Act, Saharsa, in connection with Special Excise Case No. 214 of 2018, arising out of Mahishi P.S. Case No. 105 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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