

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10519 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- MAHUA District- Vaishali

Md. Samsad, S/o Hanif Mian, aged about 24 Years, Male, Resident of Village-
Rasulpur Fateh, P.S.- Goraul (Kathara O.P.), District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party : Mr.Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2019 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 414/34 of the IPC, 30(a),
32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 3697.890
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 3697.890 liters wine is recovered from the Truck in question. The Truck in question does not belong to the petitioner. The name of the petitioner has come in the present case as the Motorcycle of the petitioner was parked on the road by the side of the said Truck. The said Truck was containing liquor. 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 Additional Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 23 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

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