

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16103 of 2021

Arising Out of PS. Case No.-222 Year-2019 Thana- BAUSI District- Purnia

MD ASGAR Son of Md. Rasid Resident of Village - Bowari Dih Tola,
Barakurba, P.S.- Gayghat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pathak

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections-272 & 273/34 of the Indian Penal
Code and Sections-30(a), 33, 41 & 47 of the Bihar Prohibition
and Excise Amendment Act, 2016.

The prosecution case, in short, is that 6600 liters spirit
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 6600 liters spirit is recovered from the truck, in question. The petitioner is said to be owner of the truck, in question. The petitioner had no knowledge regarding the goods booked by the transporter. 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 of the case and also the lockdown, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Special Judge, Excise Act, Purnea in connection with Special Excise Case No. 809 of 2019 arising out of Baisi P.S. Case No. 222 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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