

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17238 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- MUSRIGHRARI District- Samastipur

ISHTEKHAR @ ISTEKAR @ ISTEKHAR ALI Son of Hanif Resident of
Village - Tataarpur, Tehsil Hapur, P.s.- hapur Dehaat, Distt.- Hapud, Uttar
Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr. N.N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2628.72 liters
wine is recovered from the tractor.

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 name of the petitioner has transpired as being owner of the tractor in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2628.72 liters wine is recovered from the tractor in question. The petitioner had no knowledge regarding the nature of 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 and also the lockdown, 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 ADJ-II-cum-Special Judge, Excise, Samastipur in connection with Musarigharari P.S. Case No. 76/2020, 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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