

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16691 of 2021**

Arising Out of PS. Case No.-430 Year-2020 Thana- KISHANGANJ District- Kishanganj

MD SAHID @ SAHID PRADHAN, (Male), aged about 36 years, Son of Late Din Ali, Resident of Village-Dhamighach, P.S.- Chopra, Distt.- Uttar Dinajpur (West Bengal).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate.
For the Opposite Party : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 03-08-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

The petitioner is apprehending his arrest in connection with Special Case No. 335 of 2020 (CIS No. 335 of 2020), arising out of Kishanganj P.S. Case No. 430 of 2020 for the offence registered under Sections 272, 273, 420, 120(B) of the I.P.C. and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4653.720 liters wine is recovered from two Trucks in question.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 4653.720 liters wine is recovered from two Trucks in question. The Trucks in question do not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. 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 of the case, let the petitioner above named, in the event of arrest or 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 the learned Additional District and Sessions Judge-IIInd-cum-Special Judge (Excise), Kishanganj, in connection with Special Case No. 335 of 2020



(CIS No. 335 of 2020), arising out of Kishanganj P.S. Case No. 430 of 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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