

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28350 of 2021

Arising Out of PS. Case No.-826 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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NIZAM MIYAN @ NAJMULLAH MIYAN Son of - Late Atiullah Miyan @
Late Atiullah Resident of Village - Semra, P.S. - Turkauliya, District - East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

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

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 32, 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2462.400 liters
wine is recovered.

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



petitioner. The petitioner has falsely been implicated in this case. It is alleged that 2462.400 liters wine is recovered from the truck and pick up van. The truck and pick up van in question do not belong to the petitioner. The police party was claiming to have identified the petitioner in the torch light. The petitioner is not known to the police party nor the police party is known to the petitioner. Hence the question of identification of the petitioner by the police party in the torch light itself appears to be doubtful. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 learned 9th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran in connection with Excise case No.826 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)

Narendra/-

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