

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32244 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- LAKHISARAI District- Lakhisarai

MD SAFDAR ALI S/o Md. Ali R/o village- Haldi, P.S.- Manikpr, District-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-08-2021 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 Lakhisarai
(Kabaiya) P.S. Case No. 356 of 2020 registered for the offence
under Sections-307, 353, 414, 134 of the Indian Penal Code,
25(1-b),a/25(i)/35 of the Arms Act and Sections-30(a) &
32(ii)/45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on the tip off, the
informant along with other police personnel reached at Jamui
More and started checking the vehicles. One Bolero was found
coming rashly which was tried to stop but the driver of the



vehicle tried to dash the police after breaking the barricade and fled away towards town. The Bolero was chased and ultimately, the vehicle was seized and on search, 177 liters wine, Masket, pistol and one live cartridge were recovered from Bolero car.

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 177 liters wine along with masket, pistol and one live cartridge are said to have been recovered from the Bolero car. The Bolero car does not belong to the petitioner. One Alto car is also said to have been recovered by the police. Though the petitioner is said to be owner of said Alto Car but no incriminating articles have been recovered from the said Alto Car. The petitioner has been made accused in the present case due to mistake of fact. 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, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 356 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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