

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43916 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- LODIPUR District- Bhagalpur

=====

ABDUL KARIM, aged about 37 years, Male, S/O Hadis Ansari, R/o Village-  
Jaipur, P.S.- Dhoraiya, District- Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party : Mr. Khurshid Anwar, A.P.P.

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

2      25-10-2021                      Learned counsel for the petitioner is directed to  
  
remove the defects, as pointed out by the office, within a period  
  
of eight weeks.

Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending his arrest in connection  
with Lodipur P.S. Case No. 147 of 2020 for the offence  
registered under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that total 75.780  
liters wine is recovered from the Tempo in question.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 75.780 liters wine is recovered from the Tempo in question. The petitioner is alleged to be the owner of the Tempo in question. The said Tempo is run as public carrier. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. 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. 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge,



Excise Act, Bhagalpur, in connection with Lodipur P.S. Case  
No. 147 of 2020, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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