

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53703 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- FULKAHA District- Araria

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1. AZAD @ MD. AZAD S/o Chhota Safid @ Safid Mian Resident of Village-Koshikapur, P.S.- Fulkaha, District- Araria.
 2. Hazrat @ Md. Hazrat S/o Somi @ Jalauddin @ Md. Jalauddin Resident of Village- Koshikapur, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha I, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in connection with Fulkaha P.S. case No.96/2021 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 62.400 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no



allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. It is alleged that 62.400 liters wine is recovered from the motorcycle. The petitioners are not the owners of the motorcycle in question. The names of the petitioners have transpired in this case as the informant used to have identified the petitioners at the time of occurrence. It is further submitted on behalf of the petitioners that neither the petitioners are known to the informant nor the informant is known to the petitioners. Hence the question of identification made by the informant appears to be doubtful. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, 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 learned 2nd Additional



Sessions Judge-cum-Special Judge, Araria in connection with
Fulkaha P.S. case No.96/2021, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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