

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55045 of 2021

Arising Out of PS. Case No.-269 Year-2020 Thana- JOGBANI District- Araria

MD. AZAM @ MD. AZAAM S/o- Yasin Resident of Village- Swaldaha
Mahjhuwa, Ward No.12, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of eight
weeks.

The petitioner is apprehending his arrest in connection
with Special Case No. 988/20 arising out of Jogbani P.S. Case No.
269/2021 registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 130 bottles of cough
syrup is recovered.

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 name of
the petitioner has transpired as being owner of the motorcycle in



question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 130 bottles of cough syrup is recovered from the motorcycle in question. The said motorcycle in question was stolen prior to the alleged occurrence. The petitioner had no knowledge regarding the nature of goods kept in the motorcycle in question. 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.

Considering the aforesaid facts and circumstances, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions , Araria in connection with Special Case No. 988/20 arising out of Jogbani P.S. Case No. 269/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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