

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66326 of 2021

Arising Out of PS. Case No.-93 Year-2018 Thana- HATHIDAH District- Patna

MD JUNAID S/o Md. Hasan Jan Resident of Village- Mankauli, Naya Tola,
Ward No.13, P.S.- Singhwara, District- Darbhanga. Presently residing at 43,
Raghunathpur Jangra, P.S.- Tiljala, Kolkata.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2021 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 eight
weeks.

The petitioner is apprehending his arrest in connection
with Special Case No. 11933 of 2018 arising out of Hatidah P.S. Case
No. 93 of 2018 registered for the offence under Section-30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 230 liters wine 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 petitioner



has been falsely implicated in the present case. It is alleged that 230 litres wine is recovered from the tempo. The petitioner is said to be owner of the tempo, in question. The said tempo is run as a public carrier. The petitioner had no knowledge regarding the nature of goods, kept in the tempo. 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 furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 11933 of 2018 arising out of Hatidah P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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