

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18785 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- SARAI District- Vaishali

Md. Arshad Ali Khan @ Arshad Ali Khan Son Of Ali Ashraf Khan R/O
Village- Kabilpur, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

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

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273/34 of I.P.C. and Sections 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 58.690 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in this case. The
name of the petitioner has transpired in this case on disclosure made
by co-accused. Except for this, there is no other substantive evidence
to suggest the implication of the petitioner in this case. It is alleged



that 58.690 liters wine is recovered from the ditch in question. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No.626 of 2022 (Sweta Kumari versus State of Bihar).

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

Considering the facts and circumstances of the case, 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 learned Special Judge, Excise Court II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Sarai P.S. case No.145/2021, 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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