

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52746 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- BISFI District- Madhubani

MD. SHAHNAWAJ SON OF ATAUR RAHMAN R/O VILLAGE-
BHERWA, P.S.- BISFI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 272,
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

Allegation is of recovery of 516 litres of liquor from
the courtyard and a place adjoining the courtyard of accused
Sabana Khatoon's house.

Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and petitioner came to be implicated as he is husband of Sabana Khatoon. Learned counsel further submits that from perusal of the allegation itself it would manifest that the recovery was from the courtyard and a place adjoining the courtyard of Sabana Khatoon, as such, it cannot be alleged that the alleged recovery was made from the house of the petitioner. Learned counsel next submits that since Sabana Khatoon was not willing to become a witness on the seizure list, as such, she was arrested and the petitioner also came to be falsely implicated. Learned counsel also submits that petitioner's name transpired in the confessional statement of his wife in police custody which amply demonstrates that the police under coercion and force made her to confess about the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Bisfi P.S. Case No. 40 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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