

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63800 of 2022

Arising Out of PS. Case No.-535 Year-2019 Thana- BIKRAMGANJ District- Rohtas

PAPPU KHAN @ UMAR SAMIM S/O Shamim Khan R/O Mohalla- Ward
No 25, Bikramganj, P.S- Bikramganj, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate
For the Opposite Party : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The petitioner is apprehending his arrest in a case registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Earlier prayer for anticipatory bail of the petitioner was dismissed as withdrawn in the light of report dated 11-12-2021, submitted by the learned District Judge, Rohtas at Sasaram.

In the report, submitted by the learned District & Sessions Judge, it was pointed out that the anticipatory bail application of the petitioner before the court below was without any provision of law. Hence, an opportunity was given to the petitioner to make a proper application before the court below



and, thereafter, renew his prayer for bail before this court. In pursuance of the said facts, the present application has been preferred.

The prosecution case, in short, is that 138.240 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. It is alleged that 138.240 liters wine is recovered by the side of joint house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari Vs. State of Bihar).

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 Exclusive Excise Judge, Court-1, Rohtas at Sasarm in connection with Bikramganj P.S. Case No. 535 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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