

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7545 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- SISWAN District- Siwan

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Aas Mohammad @ As Mohammed, (Male, aged about 26 years), Son Of
Noor Mohammad, R/O Vill.- Gayaspur, P.O. And P.S.- Siswan, Dstt.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party : Mr. Dilip Kumar No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Siswan P.S. Case No. 303 of 2022 for the offence registered under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 41 liters wine is said to have been recovered from four different places.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged



against the petitioner. It is alleged that total 41 liters wine is recovered. Out of which, 15.200 liters wine is said to have been recovered from the front of joint house of the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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 *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

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



Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-II, Siwan, in connection with Siswan P.S. Case No. 303 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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