

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14170 of 2023**

Arising Out of PS. Case No.-777 Year-2019 Thana- SUPAUL District- Supaul

1. Md. Chand @ Md. Khurshid Son Of Late Md. Alim R/O Village- Farasara, Baldoria, P.S.- Dalkola, District- Uttar Dinajpur (WEST Bengal)
2. Md. Shamser Alam @ Samser Alam @ Munna Son Of Late Md. Alim R/O Village- Farasara, Baldoria, P.S.- Dalkola, District- Uttar Dinajpur (WEST Bengal)

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                         |
|------------------------|---|-------------------------|
| For the Petitioners    | : | Mr.Arun, Advocate       |
| For the Opposite Party | : | Mr.Nagendra Prasad, APP |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-05-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections-279, 427 of the Indian Penal Code and Sections-30(a) & 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 2354.690 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired in the



present case on the basis of a call, made from a mobile which is said to have been recovered from the truck, in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2354.690 liters wine is recovered from the truck. The truck, in question does not belong to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners 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 versus State of Bihar.)

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Supaul P.S. Case No.



777 of 2019, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

