

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11195 of 2023

Arising Out of PS. Case No.-312 Year-2019 Thana- PAROO District- Muzaffarpur

MD. KHALIL, aged about 37 years, Male, Son of Nijamuddin, Resident of
Village - Jaimal Dumri, P.S.- Paroo, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manindra Kishore Singh, Advocate
For the Opposite Party : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Paroo P.S. Case No. 312 of 2019 for the offence registered under Sections 147, 341, 323, 379, 504, 506 of the I.P.C. and Sections 30, 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 375 ML wine is said to have been recovered from the Tempo in question.

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 375 ML wine is recovered from the Tempo in question. The Tempo in question does not belong to 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 Judge Excise, Court No. -II, Muzaffarpur, in connection with Paroo P.S. Case No. 312 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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