

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69136 of 2023

Arising Out of PS. Case No.-280 Year-2020 Thana- BAHERI District- Darbhanga

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ARMAN KHAN @ AAMAN KHA @ AMAN KHAN S/O USMAN KHAN
VILLAGE- MORBARA, PS. BIRAUL, DIST. DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Baheri P.S. Case No. 280/ 2020 dated 10.12.2020
registered for the offence(s) punishable under Section(s) 30(a)
and 41 of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and he is not named in the FIR and as per
allegation, the alleged wine which is stated to have been
recovered from a truck, was loaded by a person namely, Tanvir
and it was to be delivered to some other person, namely,
Narayan, who is a resident of Baheri, Darbhanga but the
petitioner's specific role in the alleged smuggling of wine has



not been revealed and he has no criminal background of similar offence. Further submission is that petitioner has no concern with the seized truck or wine in any manner and he is neither owner nor the co-driver nor driver of the said truck.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that petitioner was found to be as helper of the co-accused, Narayan during the course of smuggling of alleged wine.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and he has been made accused only on the basis of suspicion and co-accused, Tanvir and Narayan are stated to be the main accused and as per prosecution's allegation, the petitioner is said to be helper of co-accused, Narayan but the prosecution has not disclosed that what kind of help was given by the petitioner in smuggling of alleged wine, in my opinion, in the said circumstances, petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Baheri P.S. Case No. 280/ 2020 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the



like amount each to the satisfaction of the Court concerned,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Shailendra Singh, J)

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