

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73281 of 2022

Arising Out of PS. Case No.-425 Year-2020 Thana- NARPATGANJ District- Araria

Shammi Khan Son of Saleem Khan Resident of Village- Faridpur Chaudhary,
Nainital Road, P.S.- Faridpur, District- Bareilly, Uttar Pradesh, Pin Code-
243122

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(A) and 36 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 6600 liters spirit
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent and there is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in this
case. The name of the petitioner has transpired in this case as the
alleged recovery is made from truck in question, which belongs



to the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 6600 liters spirit is recovered from the truck. The truck in question belongs to the petitioner. The truck is being run as public carrier. The petitioner had no knowledge regarding the goods booked by the transporter. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 versus State of Bihar).

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

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Araria in connection with Narpatganj P.S. case No.425/2020, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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