

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26575 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

ANIL KUMAR Son of Kaymar Nathi Resident of Village - Sankarpur,
Bakhadda (Badalpura), P.S.- Matihani, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Section 120(B) of the Indian Penal Code and
30(a) and 32 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4839 liters wine
is recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in course of investigation only on the basis that petitioner had talked to the co-accused Bittu Kumar on mobile. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 4839 liters wine is recovered from the truck and Scorpio vehicle in question. The truck and Scorpio vehicle in question do not belong to the petitioner. 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.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd -cum-



Special Judge, Excise Act, Begusarai in connection with
Matihani P.S. Case No. 16/2020, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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