

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11769 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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DINESH KUMAR, Male, aged about 36 years, Son of Mohan Ray, Resident
of Village - Sahila Rampur, P.s.- Bochahan, Dist.- Muzaffarpur, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sumit Shekhar Pandey, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2021 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
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 274.500
liters wine is said to have been recovered from the car 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. The police has seized one car and one Bolero vehicle. It is alleged that total 274.500 liters wine is recovered from the car in question. There is no recovery of liquor from the Bolero vehicle in question. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case as being the owner of the Bolero vehicle in question. 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.

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 of the case and also the lockdown, let 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 his personal bond to the satisfaction of the learned Additional District & Sessions Judge-II, Gopalganj, Bihar, in connection with Excise Case No. 208/2020, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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