

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17877 of 2021**

Arising Out of PS. Case No.-273 Year-2020 Thana- DIDARGANJ District- Patna

1. Sunil Kumar, aged about 32 years, Gender (Male), Son Of Shiv Pujan Ray @ Shiv Pujan Rai, Resident Of Village- Didarganj, Bechla Tola, P.S. Diddarganj, District- Patna.
2. Mantu Kumar @ Gorka, aged about 28 years, Gender (Male), Son Of Shiv Pujan Ray @ Shiv Pujan Rai, Resident Of Village- Didarganj, Bechla Tola, P.S. Diddarganj, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Ravish Mishra, Advocate.  
For the Opposite Party : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-08-2021              Learned counsel for the petitioners 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 petitioners and learned counsel for the State through virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Mantu Kumar @ Gorka, as he has been taken into judicial custody in connection with Didarganj P.S. Case No. 273/2020, pending in the court of learned Special Judge, Excise, Patna.

Permission is accorded.



Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Mantu Kumar @ Gorka, is dismissed as withdrawn.

Now, the petitioner no. 1 is apprehending his arrest in connection with Didarganj P.S. Case No. 273 of 2020 for the offence registered under Sections 30(a) and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 280 liters wine is recovered from the *Mahindra Scooty* in question.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. It is alleged that total 280 liters wine is recovered from the *Mahindra Scooty* in question. He is not the owner of the *Mahindra Scooty* in question. His name has transpired in the present case on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest his implication in this case. Nothing incriminating has been recovered from his conscious possession. He 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 no. 1 is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 1 above named, (except petitioner no. 2, namely, Mantu Kumar @ Gorka) 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 Special Judge, Excise, Patna, in connection with Didarganj P.S. Case No. 273/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 1 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)**

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

