

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17849 of 2021**

Arising Out of PS. Case No.-213 Year-2020 Thana- KHAGAUL District- Patna

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Arun Kumar Srivastava, aged about 41 years, Gender-M, Son Of Sri Bachan Lal Srivastava, R/O Village- 146, Gautam Kunj Adarsh Colony, West Patel Nagar, Bari Mandir School, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Vijay Kumar Sinha, Advocate.

For the Opposite Party : Mr. A.G.

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

2      03-08-2021              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 connection with Special Case No. 7086 of 2020, Khagaul P.S. Case No. 213 of 2020 for the offence registered under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 725.220 liters wine is recovered from the Car of the petitioner and from the back side of house of co-accused.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 725.220 liters wine is recovered from the Car and back side of house of co-accused. Out of which, 160.02 liters wine is said to have been recovered from the Tata Zest Car bearing Registration No. BR01PJ-6896. The petitioner is alleged to be the owner of the said Car in question. The said Car is run as Public Carrier. 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 named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, 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 Special Judge,



Excise, Patna, in connection with Special Case No. 7086 of 2020, Khagaul P.S. Case No. 213 of 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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