

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18301 of 2021**

Arising Out of PS. Case No.-450 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Subhash Rai @ Ram Subhash Rai, aged about 26 years, Male, Son of Chandrika Ray, R/O Village- Baghari Manorthi Tola, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party : Mr. A.G.

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

2 06-04-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 30(a), 30(g), 38(i), 38(ii), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2330.64 liters wine is said to have been recovered from the Truck in question.

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 2330.64 liters wine is recovered from the Truck in question. The Truck in question does not belong to the petitioner. The name of the petitioner has come in the present case on the basis of disclosure made by the local Chaukidar as per the F.I.R. 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.

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 six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 450/2019, subject



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

(Sudhir Singh, J)

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