

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19412 of 2021

Arising Out of PS. Case No.-559 Year-2019 Thana- SHERGHATI District- Gaya

PRINCE KUMAR @ PRINCE KUMAR SRIVASTAVA, Male, aged about 24 years, Son of Vijay Lal, Resident of Village - Dobhi, P.S.- Dobhi, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-08-2021 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 Sherghati (Dobhi) P.S. Case No. 559/2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and 25(1-b)a and 26 of the Arms Act.

The prosecution story, in brief, is that total 375 ML wine alongwith one country made pistol with two live cartridges are recovered from the car 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 375 ML wine alongwith one country made pistol and two live cartridges are recovered from the car in question. The car in question does not belong to the petitioner. The petitioner is not named in the F.I.R. His name has come in the present case in course of investigation. 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, 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 Excise Judge, Gaya, in connection with Sherghati (Dobhi) P.S. Case



No. 559/2019, 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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