

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19321 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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SUSHIL NISHAD @ SUSHIL MANDAL Son of Ramdular Nishad Resident
of village- Lailakh, P.S. - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 353, 307, 504/506 of
the Indian Penal Code, 27 of the Arms Act and Section-30(a) of
the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 40 liters wine is
recovered. It is also alleged that the accused persons tried to
snatch the seized wine from the police and firing was also made.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 40 litres wine is recovered from the platform of railway. So far offence under Section 307 of the Indian Penal Code is concerned, the same is general and omnibus. No specific overt act is alleged against the petitioner. 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.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, in the event of arrest/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 learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur in connection with G.R.P. S. P. S. Case No. 40 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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