

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19303 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- PATORI District- Samastipur

SURAJ KUMAR S/o Ram Balak Ray R/o village- Mohanpur, P.S.- Shahpur
Patori (Mohanpur O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.A.G.

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

2 15-04-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

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

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273/34 of I.P.C. and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30.615 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent and there is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has falsely been implicated in this case. The name of the petitioner
has transpired in this case on the disclosure made by co-accused.
Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 30.615 liters wine is recovered from the tempo. The tempo in question does not belong to 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 named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IInd-cum-Special Judge, Excise, Samastipur in connection with Shahpur Patori (Mohanpur O.P.) P.S. case No.9 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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