

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23245 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

AKHILESH RAI Son of Late Parma Ray Resident of Village - Bathani Tola,
Bansghat Msuraiya, P.S.- Mahammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is permitted to make
necessary correction in paragraph No.3 of the application in the
light of the order dated 03.09.2021.

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

The petitioner is apprehending his arrest in connection
with Excise case No.301/2020 registered under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30.700 liters
wine is recovered.



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 falsely been implicated in this case. The name of the petitioner has transpired in this case on 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 30.700 liters wine is recovered from the Bansbari situated by the side of the shop of the petitioner. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 facts and circumstances of the case, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II-cum-Special Judge, Excise Act, Gopalganj in connection with Excise case No.301/2020, 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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