

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22704 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- GALGALIYA District- Kishanganj

=====

BIMAL DAS @ VIMAL DAS SON OF BISHU DAS R/O - HOUSE NO.-
46/4, RIVER SIDE MUNIBABA ROAD, GANGA NAGAR SILIGURI
BAZAR, P.S.- SILIGURI, DISTRICT- DARJEELING (WEST BENGAL).

... .. Petitioner/s

Versus

THE STATE OF BIHAR R

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

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

=====

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

2 02-07-2021 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.

Learned counsel for the petitioner submits that due to
inadvertent mistake, in the prayer portion, the place of court has
been left to be typed. Hence, he prays for inserting the place
“Kishanganj” in the prayer portion of the petition after “Special
Judge (Excise)”.

Accordingly, in the prayer portion “Kishanganj” be
treated to be inserted after “Special Judge (Excise)”.

The petitioner is apprehending his arrest in a case



registered under Sections-30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 514 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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 514 liters wine is recovered from a car. The name of the petitioner has transpired in this case as he is said to be owner of the car, in question. The said car is run as public carrier. 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 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), Kishanganj in connection with Special Case No. 126 of 2020 (CIS 126 of 2020) arising out of Galgaliya P.S. Case No. 16 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)

A.K.V.//-

U		T	
---	--	---	--

