

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24448 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- PIRO District- Bhojpur

Niraj Kumar, aged 30 years, Male, Son Of Rudal Sah, R/O Village- Majhiaon,
P.S.- Piro (HASSAN Bazar), District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajani Ranjan Pd. Singh, Advocate.
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 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 a case for
the offence registered under Sections 30(a), 36 and 37 of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 80 liters
spirit, 450 pieces of stickers, one machine for packing and 1950
pieces of empty bottles are said to have been recovered from the
joint house of the petitioner.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the



present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 80 liters spirit, 450 pieces of stickers, one machine for packing and 1950 pieces of empty bottles are recovered from the joint house of the petitioner. 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 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara, in connection with Excise Case No. 1874/20, arising out of Piro (Hassanbazar) P.S. Case No. 319/20, 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) only 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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