

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33572 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- TRIVENIGANJ District- Supaul

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BINOD KUMAR @ BINOD KUMAR MANDAL S/o Shiv Shankar Mandal
R/o village- Bara Tola Kariho, P.S.- Supaul, Distict- Supaul, State- Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-09-2021 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 Triveniganj
P.S. Case No. 75 of 2020 registered for the offence under
Section-30(a) of the Bihar Prohibition and Excise Act, 2016 and
Sections-25(1-b)a, 26/35 of the Arms Act.

The prosecution case, in short, is that 159.48 liters
wine alongwith a loaded country made pistol and a live
cartridge 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 159.48 liters wine is recovered from the car. The petitioner is not owner of the car, in question. Further, a loaded country made pistol alongwith a live cartridge is recovered from the co-accused. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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.

Considering the aforesaid facts and circumstances of the case, 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, Supaul in connection with Triveniganj P.S. Case No. 75 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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