

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52247 of 2021

Arising Out of PS. Case No.-728 Year-2020 Thana- SITAMARHI District- Sitamarhi

VIVEK KUMAR @ CHHOTI @ VIVEK KUMAR CHHOTI, (Male), aged about 30 years, Son of Late Rajesh Prasad Pappu, Resident of Muhalla - Kot Bazar, Ward No. 11, P.S.- Sitamarhi, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party : Mr. Kishori Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-11-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State through Virtual mode.

The petitioner is apprehending his arrest in connection with Sitamarhi P.S. Case No. 728 of 2020 for the offence registered under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 132.840 liters wine is recovered near the house of one Kishori Prasad.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He



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 132.840 liters wine is recovered near the house of one Kishori Prasad. The name of the petitioner has transpired in the present case on the basis of disclosure made by local residents. The names of local residents, who have named the petitioner, have not been disclosed by the prosecution. 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. 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sitamarhi P.S. Case No. 728 of 2020, subject



to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Sudhir Singh, J)

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