

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36147 of 2021**

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

VIVEK KUMAR Son of Lakshmi Prasad Resident of Village - Koat Bazar  
Ward No.15, P.S.- Sitamarhi, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

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

2      06-10-2021                      Heard learned counsel for the petitioner and learned APP  
for the State.

Learned counsel for the petitioner is directed to remove  
the defects, as pointed out by the Office, within a period of eight  
weeks.

The petitioner is apprehending his arrest in a case  
registered under Sections 30(a) and 36 of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, in short, is that 132.840 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 name of  
the petitioner has transpired on the basis of disclosure made by the  
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. It is alleged that 132.840 liters wine is recovered near the house of one Kishori Prasad. 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, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- 2nd -cum- Special Judge, Excise, 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)**

Pankaj/-

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