

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33586 of 2021

Arising Out of PS. Case No.-139 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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INDRA MOHAN JHA Son of Late Sahdev Jha Resident of Village -
Dharmagatpur, P.s.- Shakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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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 Excise
Case No. 139 of 2017 registered for the offence under
Sections-30(a), 32, 38 & 56(d) of the Bihar Prohibition and
Excise Act.

The prosecution case, in short, is that 2155.44 liters
wine and 532 litres Beer is recovered.

It has been submitted on behalf of the petitioner that
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 2155.44 liters wine is recovered from the pick up Van whereas 532 litres beer is said to have been recovered from tractor and water tank. None of the vehicles belongs to the petitioner. The name of the petitioner has transpired in this case on the basis of secret information. 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 Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 139 of 2017, 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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