

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39549 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SHYAM KISHORE RAI Son of Late Jayvir Rai Resident of Village -
Kankatti, P.S.- Mehshi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 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 eight weeks.

Learned counsel for the petitioner is permitted to
make necessary correction in the first paragraph with regard to
Section and in prayer portion of the petition with regard to year
of the case.

The petitioner is apprehending his arrest in Motipur
P.S. Case No. 54 of 2019 registered for the offence under
Sections-30(a), 38(1) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 1576.440 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 petitioner has been falsely implicated in the present case. It is alleged that 1576.440 liters wine is recovered from the truck. The petitioner is not owner of the said truck. 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 furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 54 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

