

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38027 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- SALIMPUR District- Patna

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AVINASH KUMAR @ GOVIND KUMAR Son of Dinesh Singh @ Dinu Singh Resident of - Rukunpura, P.O.- Khusrupur, P.S.- Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunit Kumar

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood, APP

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

2      21-10-2021                      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 Section 147, 148, 149, 323, 504, 353, 427, 224, 225 of the Indian Penal Code and 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is when the police personnel were conducting a raid and recovered liquor, the accused persons, forming unlawful assembly, attacked on police vehicle and freed one co-accused.



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. On recovery of liquor, the local residents protested against the police. The name of the petitioner has transpired on the basis of disclosure made by the local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 37.5 liters wine is recovered from cow-shed belonging to co-accused. General and omnibus allegation has been made against the petitioner in respect of making protest. No specific overt act is alleged against the petitioner. There is no recovery of liquor from the 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.

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 Special Judge,



Excise, Patna in connection with Salimpur P.S. Case No. 48 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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