

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39306 of 2021

Arising Out of PS. Case No.-728 Year-2020 Thana- JAHANABAD District- Jehanabad

Krishan Bhagat S/O Pyare Paswan R/O Village-South Daulatpur, P.S-
Jehanabad, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner is apprehending his arrest in connection
with Jehanabad P.S. case No.728 of 2020 registered under
Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 2 kgs urea is
recovered from the bank of the river and 5200 kgs jawa mahua
is destroyed.

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 falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of disclosure made by the local residents as per F.I.R. 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 2 kgs urea is recovered from the bank of the river and 5200 kgs jawa mahua is destroyed. The petitioner had no knowledge regarding the alleged incident. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Jehanabad in connection with Jehanabad 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)

Narendra/-

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