

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39295 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DIGHA District- Patna

CHANDAN KUMAR @ VIJAY KUMAR S/o Ramesh Singh R/o Mohalla-
Kurji Balupar, Shakti Nagar, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, 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 Digha P.S. case No.108 of 2021 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, in short, is that 141.750 liters wine along with one pistol, one magazine and 28 live cartridges are recovered from the house of the petitioner and from the co-accused one loaded pistol containing six live cartridges along with five live cartridges are recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and 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 disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 141.750 liters wine along with one pistol, one magazine and 28 live cartridges are recovered from the joint house of the petitioner and from the co-accused one loaded pistol containing six live cartridges along with five live cartridges are recovered. There is no recovery of liquor or arms and ammunition from the possession of the petitioner. 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 Special Judge, Excise Act, Patna in connection with Digha P.S. case No.108 of 2021, 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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