

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39021 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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GOPAL JAISWAL @ GOPAL KUMAR JAISHWAL, aged about 42 years,
Male, Son of Baleshwar Jaiswal, Resident of Village- Susta, P.S.- Sadar,
District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party : Mrs. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-12-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Sadar P.S. Case No. 446 of 2020 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 440.640
liters wine is recovered from the car in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 440.640 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of secret information. The source and genuineness of secret information has 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. 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let 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 the learned Special Judge, Excise, Muzaffarpur, in connection



with Sadar P.S. Case No. 446 of 2020, subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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