

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39976 of 2021

Arising Out of PS. Case No.-333 Year-2017 Thana- AAJAM NAGAR District- Katihar

SANJAY KUMAR TIWARY @ SANJAY KUMAR TIWARI Son of Ram Murat Tiwari Resident of Village - Kalmegha (Shihpur), Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned 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 Azamnagar P.S. Case No. 333 of 2017 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 30.600 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 30.600 liters wine is recovered from the motorcycle. The petitioner



is not named in the FIR. The petitioner is alleged to be owner of the said motorcycle. It has further been submitted on behalf of the petitioner that the said motorcycle had already been sold by the petitioner to one, Bipul Singh as back as in the year, 2013. The petitioner has been made accused in the present case due to mistake of fact. 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 not 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Katihar in connection with Azamnagar P.S. Case No. 333 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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