

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41221 of 2021

Arising Out of PS. Case No.-222 Year-2018 Thana- MALSALAMI District- Patna

VICKY KUMAR Son of Panchhi Rai Resident of Village - Pirdamaria, P.S.-
Masalami, Patna City, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Opposite Party/s : Mrs. Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

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 Malsalami P.S.
Case No. 222 of 2018 registered for the offence under Sections-
30(a) & 38 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 40 liters wine is
recovered.

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 been falsely implicated in the present
case. It is alleged that 40 liters wine is recovered from the
motorcycle. The petitioner is not owner of the motorcycle, in



question. The petitioner is said to have been identified by the informant. The petitioner is not known to the informant. Hence, the identification made by the informant appears to be doubtful. 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.

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 Special Judge, Excise Act, Patna in connection with Malsalami P.S. Case No. 222 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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