

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43904 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

JITENDRA, age about 24 years, Male, Son of Biraju Bind, Resident of Village - Nagwa, P.S.- Dhanapur, District - Chandauli (UP).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.
For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 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 Mohania P.S. Case No. 11 of 2021, R. No. 21/21 for the offence registered under Section 414 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The prosecution story, in brief, is that total 22.140 liters wine is recovered from the Motorcycle.

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 22.140 liters wine is recovered from the Motorcycle in question. The petitioner is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner to his co-villager for his personal use. 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 nature of goods kept in the Motorcycle in question. 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 11 of 2021, R. No. 21/21, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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