

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43573 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- PARASBIGHA District- Jehanabad

NITYANAND @ MITTI, Male, aged about 40 years, S/O LATE BASDEO
MAHTO, R/o village- Kindui Kothiya, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.
For the Opposite Party : Mr. A.G.

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 Parasbigha P.S. Case No. 89/2021 (Excise Case No.
450/2021) for the offence registered under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act.

The prosecution story, in brief, is that total 15 liters
wine is recovered from the joint house of the petitioner.



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 15 liters wine is recovered from the joint house of the petitioner. 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 Additional Sessions Judge-IIInd-cum-Special Judge, Excise, Jehanabad, in connection with Parasbigaha P.S. Case No. 89/2021 (Excise Case No. 450/2021), subject to the conditions



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

(Sudhir Singh, J)

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