

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45432 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- RAJEPUR District- East Champaran

KAMAL PRASAD @ KAMAL KISHORE PRASAD Son of Ram Awtar  
Prasad Resident of Village - Bara Bishunpur, P.S.- Rajepur, Distt.- East  
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-11-2021      Heard learned counsel for the petitioner and learned APP  
for the State.

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 connection  
with Rajepur P.S. case No.79 of 2021 registered under Sections 272,  
273 of I.P.C. and Sections 30(a) of the Bihar Prohibition and Excise  
Act, 2016.

The prosecution case, in short, is that 33.750 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent and there is no allegation of  
tampering of witnesses alleged against the petitioner. The petitioner  
has falsely been implicated in this case. The name of the petitioner



has transpired in this case as the alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 33.750 liters wine is recovered from the joint house of the petitioner. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned Special Judge, Excise Act, East Champaran at Motihari in connection with Rajepur P.S. case No.79 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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