

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33163 of 2020**

Arising Out of PS. Case No.-18 Year-2018 Thana- THAWE District- Gopalganj

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BINAY KUMAR SINGH @ VINAY KUMAR SINGH Son of Shailendra Kumar Singh Resident of Village- Gagha Hathwa, P.S.- Gagha, District- Gorakhpur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.A.G.

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

2      23-02-2021                      Heard learned counsel for the petitioner and learned APP  
for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered under Sections 272 & 273 of the Indian Penal Code and Sections-30(a), 35/38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 216 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 name of the petitioner has transpired in this case as the petitioner is said to be



owner of the car in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 216 liters wine is recovered from the car in question. 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, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Gopalganj, in connection with Thawe P.S. Case No. 18 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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