

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34312 of 2020

Arising Out of PS. Case No.-211 Year-2020 Thana- BAKHTIARPUR District- Saharsa

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KUNDAN SHARMA @ UPENDRA SHARMA S/o Ramprawesh Sharma @
Bandu Sharma R/o Village- Sitanabad (Tola- Gharmuha), Ward No. -09, P.S.-
Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-03-2021 Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned APP for the State through virtual mode.

The petitioner is apprehending his arrest in a case registered under Sections 30(a)/30(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 360 ml 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 name of the petitioner has come in this case on confessional statement of co-accused. Except for this, there is



no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 360 ml wine is recovered from the motorcycle. 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 six 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 Sessions Judge II-cum-Special Judge (Excise), Saharsa in connection with Special (Excise) case No.253 of 2020 arising out of Bakhtiyarpur P.S. case No.211 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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