

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47219 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- KANTI District- Muzaffarpur

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MITHUN PRASAD SINGH @ BHAGAT Son of Lalbabu Bhagat Resident of village - Khemaipatti, P.S. - Meenapur, District - Muzaffarpur. At present Resident of Village - Harpur, P.S. - Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner is apprehending his arrest in a case registered under Sections 272, ,273, 120(B) of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3640 liters wine is recovered from three different vehicles.

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 as being previous owner of the Scorpio 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 3640 liters wine is recovered from a truck, a Scorpio and a bullet motorcycle. The petitioner is said to be previous owner of the Scorpio in question. The said Scorpio in question is no more in possession of the petitioner. The petitioner had sold the said vehicle to one Vikas Kumar who is co-accused in the present 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.

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 twelve 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 Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 16/2021, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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