

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47645 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

NITISH KUMAR S/o LATE BRAJ KISHORE SINGH R/o SAHU COLONY,
PATHAN TOLI, DAMODARPUR, P.S-KANTI, DISTRICT-MUZAFFAR
PUR. AT PRESENT RESIDING AT BAIRIYA GOLAMBAR, EAST OF
PETROL PUMP SITUATED AT CHANAKYAPURI, SCRAP SHOP
(GODOWN) OF NITISH.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned 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 Brahampura
P.S. Case No. 82 of 2021 registered for the offence under Section-
30(c)(d) of the Bihar Prohibition and Excise (Amendment) Act,
2016-18.

The prosecution case, in short, is that huge quantity of
empty bottles is recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. It is alleged that the petitioner is a scrap dealer. In huge



quantity, empty bottles of wine are said to have been recovered from scrap shop of the petitioner. No liquor is said to have been recovered from possession of the petitioner. The petitioner has been made accused in the present case due to mistake of fact. 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 of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Brahampura P.S. Case No. 82 of 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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