

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48430 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- BAHADURPUR District- Patna

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MUKESH KUMAR S/O UMESH PRASAD R/o- Ramkrishna Colony, P.S.-  
Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

2      16-11-2021                      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 Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, in short, is that 16 liters 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 transpired on the  
basis of disclosure made by the 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 16 liters wine is recovered from the co-accused who was riding on 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./complaint case.

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, Patna in connection with Bahadurpur P.S. Case No. 54/2021, Special Case No. 1774/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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