

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38103 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- MASHRAK District- Saran

MANOJ KUMAR GUPTA @ MANOJ SAH, Gender-Male, age 19 years, son of Virendra Sah @ Virendra Prasad, Resident of Rajapatti, Gola Dumarsan Bangra, P.S.- Mashrak, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 353, 272, 273, 504 and 506 of the I.P.C. 30, 30(a), 38, 41 and 45 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 30.125 liters wine is said to have been recovered from the shop of the co-accused Dashrath Sah. The petitioner and other co-accused tried to release co-accused Dashrath Sah from the police custody and they also disturbed the government work and assaulted the police party with fists and slaps.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 30.125 liters wine is recovered from the shop of co-accused Dashrath Sah. The petitioner and other co-accused tried to release co-accused Dashrath Sah from the police custody and they also disturbed the government work and assaulted the police party with fists and slaps. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this 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./Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or 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/-(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-II-cum-Special Court, Excise Act,
Saran, in connection with Mashrak P.S. Case No. 125/2020,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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