

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50706 of 2021

Arising Out of PS. Case No.-179 Year-2021 Thana- SAHPUR District- Patna

MANISH KUMAR, S/O RAM PRAVESH RAI, aged about 28 years, Male,
R/o village- Nurpur Chandmari, P.S.- Shahpur, District- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoranjan Kumar, Advocate
For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Shahpur P.S. Case No. 179 of 2021 for the offence
registered under Sections 30(a), 30(c) and 32(2) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that 09 liters wine is
recovered from the Motorcycle of the petitioner bearing
Registration No. BR-01-CN-0423 and 80 Kg. Mahua is
recovered from another Motorcycle in question.

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 09 liters wine is recovered from the Motorcycle of the petitioner bearing Registration No. BR-01-CN-0423 and 80 Kg. Mahua is recovered from another Motorcycle. The petitioner had given his Motorcycle to his co-villager for his personal use. The petitioner had no knowledge regarding the nature of goods kept in his Motorcycle. 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. 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 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 the learned Special Judge, Excise, Patna, in connection with



Shahpur P.S. Case No. 179 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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