

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50741 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

DEEPAK KUMAR, aged about 30 years (M), S/o Late Durga Prasad Roy,
R/v- Mohanpur, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, 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 Samastipur (Muffasil) P.S. Case No. 242 of 2021 for the
offence registered under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 5.250 liters
wine is recovered by the side of joint house of the petitioner.

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 5.250 liters wine is recovered by the side of joint house of the petitioner. 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 Additional Sessions Judge-2nd-cum-Special Judge, (Excise), Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 242 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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