

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4090 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- KHAGAUL District- Patna

NIRANJAN KUMAR S/o Nirmal Kumar R/o Rampur Garikhana, P.S. -
Khagaul, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-04-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
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 5.34 liters wine and
34 bottles of liquor are 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 come on the basis of secret
information as per F.I.R. The source and genuineness of the secret
information has not been disclosed by the prosecution. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 5.31 liters wine and 34 bottles of liquor are recovered from the house of the co-accused. 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 six 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 Act, Patna in connection with Khagaul P.S. Case No. 111 of 2020, Spl. Case No. 4626/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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