

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38729 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- KHARIK District- Bhagalpur

=====

TUNTUN KUMAR@ RAVISH KUMAR S/o Bhagat Singh @ Bharat Singh
R/o Village- Maheshpur, (Korha) ,P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2021 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 four weeks.

Learned counsel for the petitioner is further permitted
to make necessary corrections in paragraph 1 and prayer portion
of the application in course of the day.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 38(i) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 104.625 liters
wine is recovered.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. 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 104.625 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. 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.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Bhagalpur in connection with Spl. Excise Case No. 524/2020 arising out of Kharik P.S. Case No. 130/2020, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

