

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53439 of 2021**

Arising Out of PS. Case No.-338 Year-2021 Thana- SIKARPUR District- West Champaran

ANISH KUMAR @ AWANISH KUMAR S/o Rameshwar Sah R/o Village-
Prakash Nagar, Ward No.12, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mrs.Veena Rani Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 29-11-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight weeks.

The petitioner is apprehending his arrest in connection
with Shikarpur P.S. case No.338/2021 registered under Sections
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 49.350 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in this case. The
name of the petitioner has transpired in this case 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 49.350 liters wine is recovered from the bag thrown by the side of the road. The petitioner had no knowledge regarding the alleged incident. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 Sri Pawan Kumar Pandey, learned Special Judge, Excise, Bettiah, West Champaran in connection with Shikarpur P.S. case No.338/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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