

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58950 of 2021

Arising Out of PS. Case No.-239 Year-2021 Thana- BIBHUTIPUR District- Samastipur

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KRISHNA KUMAR, Male, aged about 28 years, Son of Baijnath Mahto,
Resident of Village - Singhia, Buzurg, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2021 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 Bibhutipur P.S. Case No. 239/2021 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 97.875
liters wine is recovered from the land of one co-accused Jaswant
Mahto.

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 97.875 liters wine is recovered from the land of one co-accused Jaswant Mahto. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents. The names of the local residents, who have named the petitioner, have 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. 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 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, Samastipur or Successor



Court, Samastipur, in connection with Bibhutipur P.S. Case No. 239/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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