

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5329 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- BYPASS District- Patna

VIVEK KUMAR, aged about 32 years (Male), Son of Arvind Kumar Mahto
@ Arvind Kumar, Resident of Village- Chainpura, P.S.- Bypass, District-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 120(B), 420, 414, 467,
468, 471 of the I.P.C. and 30(a), 36 and 41(i) of the I.P.C. and
30(a) and 41(i) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The prosecution story, in brief, is that total 4815.180
liters wine is said to have been recovered from the Truck and
two Pick-up Vans in question.



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 4815.180 liters wine is recovered from the Truck and two Pick-up Vans in question. The aforesaid two vehicles do not belong to the petitioner. The name of the petitioner has come in the present case on the basis of disclosure made by co-accused. 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 and also the lockdown, 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 his personal bond to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Bypass



P.S. Case No. 294 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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