

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59954 of 2021

Arising Out of PS. Case No.-141 Year-2021 Thana- PAROO District- Muzaffarpur

HARVINDER THAKUR Son of Kewal Ram Resident of Village - Main
Thapal Mogi Nand (142), Sirmaur, P.s.- Nahan, Himachal Pradesh- 173030

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad
For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2021 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 eight
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 36 and 41(i) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 3211.56 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 as being owner of the truck in question.
Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 3211.56 liters wine is recovered out of which 1235.520 liters wine is recovered from the truck in question. The said truck is run as public carrier. The petitioner had no knowledge regarding the nature of goods being kept in the truck in question. 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 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 twelve 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, Muzaffarpur in connection with Paroo P.S. Case No. 141/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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