

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61942 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- AMBA District- Aurangabad

SHYAM BIHARI KUMAR Son of Suryadev Saw Resident of Village- Amba,
P.S.- Amba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2021 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 eight weeks.

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

The prosecution case, in short, is that 62 liters wine
along with 35 kg mahua flower 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 one of the motorcycles in question from which recovery is made. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 62 liters wine along with 35 kg mahua flower is recovered from three motorcycles one of which belongs to petitioner. The said motorcycle was given by the petitioner to his co-villager for his personal use. The petitioner had no knowledge regarding the nature of goods kept in the motorcycle. 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.

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 Additional Sessions Judge -II-cum- Special Judge, Excise, Aurangabad in connection with Amba P.S. Case No. 81 of 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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