

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62319 of 2021

Arising Out of PS. Case No.-422 Year-2020 Thana- VAISHALI District- Vaishali

1. PINTU KUMAR SINGH @ PINTU KUMAR SON OF SURENDRA SINGH Resident of Village - Karneji, P.s.- Vaishali (Belsor O.P.), Distt.- Vaishali.
2. Dilip Kumar Singh @ Dilip Singh Son of Amir Singh Resident of Village - Karneji, P.s.- Vaishali (Belsor O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-12-2021 Heard learned counsel for the petitioners and the State.

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

At the outset, learned counsel for the petitioner seeks permission to withdraw this application with regard to petitioner No. 2 namely, Dilip Kumar Singh @ Dilip Singh as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner



No. 2 namely, Dilip Kumar Singh @ Dilip Singh is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in a case registered for the offence under Section-414 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 655.110 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that there is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. It is alleged that 182.340 liters wine is recovered from the car and 472.770 litres wine is recovered from joint house of co-accused. The car does not belong to the petitioner No. 1. The name of the petitioner No. 1 has transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 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 No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 1, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Vaishali (Belsor O.P.) P.S. Case No. 422 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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