

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64733 of 2021**

Arising Out of PS. Case No.-87 Year-2021 Thana- GURUA District- Gaya

BIHARI SAO @ BIHARI PRASAD Son of Late Laxmi Narayan Sao @  
Laxmi Sao Resident of Village- Khiriyawan, P.S.- Madanpur, district-  
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surya Narayan Sah, Advocate

For the Opposite Party/s : Mrs.Renu 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.

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

The petitioner is apprehending his arrest in connection  
with Gurua P.S. case No.87/21 registered under Sections 33 of the  
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3160 liters spirit is  
recovered.

It has been submitted on behalf of the petitioner that there  
is no allegation of tampering of witnesses alleged against the  
petitioner. The petitioner has falsely been implicated in this case. It is  
alleged that 3160 liters spirit is recovered from the hut belonging to  
co-accused. The informant claims to have identified the petitioner in



the light of the vehicle. It is further submitted that the petitioner is not known to the informant nor the informant is known to the petitioner. Hence the identification made by the informant itself is doubtful. The petitioner had no knowledge regarding the alleged incident. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned C.J.M., Gaya in connection with Gurua P.S. case No.87/21, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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