

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65557 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- SABAUR District- Bhagalpur

SANTOSH KUMAR S/o Shiv Kumar Yadav R/o Ward No. 5 Maheshpur
Chandaur, P.S. - Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned 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 Sabour P.S. Case No. 28 of 2021 registered for the offence
under Section-30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 153 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 petitioner has been falsely implicated in the



present case. It is alleged that out of 153 litres, 18 litres wine is recovered from the Scorpio whereas 135 litres wine is recovered from the pick up Van. The petitioner is said to be owner of the Scorpio. The said Scorpio is run as a public carrier. 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.

Considering the aforesaid facts and circumstances of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Vigilance (Trap) Act, Bhagalpur in connection with Sabaur P.S. Case No. 28 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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