

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68281 of 2021

Arising Out of PS. Case No.-518 Year-2021 Thana- MAHUA District- Vaishali

SUMIT KUMAR @ SUMIT KUMAR SINGH @ CHANDAN SINGH, aged about 37 years, M, S/o Umesh Singh, Resident of Village- Mahua Singh Rai, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 518/2021 for the offence registered under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 5124.240 liters wine is recovered from the Truck in question.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the



present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 5124.240 liters wine is recovered from the Truck in question. The petitioner is not the owner of the Truck in question. The name of the petitioner has transpired in the present case on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let 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 the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Mahua P.S. Case No.



518/2021, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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