

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69529 of 2021

Arising Out of PS. Case No.-791 Year-2019 Thana- KOTWALI District- Patna

SUBHAM ASHISH @ SHUBHAM ASISH TIWARI Son of Late Satendra Tiwari Resident of Mohalla - Company Bagh, Near Police Chowky, Danapur Cantt., P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Mrityunjaya Kr.Gautam

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-12-2021 Heard learned counsel for the petitioner and the State.

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 Kotwali P.S. Case No. 791 of 2019 corresponding to Special Case No. 7848 of 2019 registered for the offence under Sections- 30(a), 36(1)(11) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 25 liters wine 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 been falsely implicated in the present case. It is alleged that 25 litres wine is recovered from Passion



motorcycle. The said motorcycle does not belong to the petitioner. The petitioner is alleged to be owner of the another motorcycle from which, no liquor is said to have been recovered. 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 Special Judge, Excise, Patna in connection with Kotwali P.S. Case No. 791 of 2019 corresponding to Special Case No. 7848 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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