

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7051 of 2022**

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

Mukul Singh @ Mintu Singh @ Mukul Chandra Rathore Son Of Shri Ajay Kumar Rathore R/O Village- Sahpur, P.S.- Benipatti, District- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Preety Kunwar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      24-02-2022      Heard learned counsel for the petitioner and learned APP for the State.

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

The petitioner is apprehending his arrest in connection with Benipatti P.S. case No.217/2021 registered under Sections 272, 273, 120B of the Indian Penal Code and Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1551.375 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1551.375 liters wine is recovered from the brick kiln of the co-accused and the truck. The petitioner is not the owner of the truck in question. 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 Additional Sessions Judge II-cum-Special Judge (Excise), Madhubani in connection with Benipatti P.S. case No.217/2021, 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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