

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7437 of 2022**

Arising Out of PS. Case No.-313 Year-2021 Thana- NAUBATPUR District- Patna

ROCKY KUMAR, aged about 26 years, Male, Son of Ajay Prasad Rai @  
Ajay Kumar Ray, Resident of Village - Rashtriyaganj, P.s.- Phulwarisharif,  
Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate  
For the Opposite Party : Mrs. Veena Kumari Jaiswal, A.P.P.

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

2      25-02-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of four weeks.

The petitioner is apprehending his arrest in connection  
with Special Case No. 3857/2021 arising out of Naubatpur P.S.  
Case No. 313 of 2021 for the offence registered under Sections  
30(a), 38 and 41 of the Bihar Prohibition and Excise  
(Amendment) Act, 2016.

The prosecution story, in brief, is that total 4645.44  
liters wine is recovered by the side of room of co-accused.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 4645.44 liters wine is recovered by the side of room of co-accused. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. 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 Special Judge, Excise, Danapur at Patna, in connection with Special Case No. 3857/2021 (arising out of



Naubatpur P.S. Case No. 313 of 2021), subject to the conditions  
as laid down under Section 438(2) of the Code of Criminal  
Procedure.

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(Sudhir Singh, J)

