

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7817 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Mohan Rai Son Of Samata Rai R/O Mohalla- Pathar Ghat, P.S.- Malsalami,
Dist.- Patna

... .. Petitioner.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Vinod Pandey, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-02-2022 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 four weeks.

The petitioner is apprehending his arrest in connection with Special case No. 7647 of 2021 arising out of Chowk P.S. Case No. 459 of 2021 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 225 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 out of 225 litres, 15 litre wine is recovered by side of the road whereas 210 litres wine is recovered from the bank



of the river. The name of the petitioner has transpired in this 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 the present 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.

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 Special case No. 7647 of 2021 arising out of Chowk P.S. Case No. 459 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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