

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8549 of 2022

Arising Out of PS. Case No.-1050 Year-2021 Thana- FORBESGANJ District- Araria

HARI BAITHA @ HARI BATHA S/o- Late Bhaddu Biatha @ Buddhu
Baitha Resident of Village- Bhagkohaliya, Ward No.07, P.S.- Forbesganj,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and learned
APP for 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 a case
registered under Sections 30(a) and 38(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 7.60 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The name of the petitioner has transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioner, have 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. It is alleged that 6.60 liters wine is recovered from the pile of sand and 1 liter wine is recovered from the co-accused. 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, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V-cum- Special Judge, Excise-I, Araria in connection with Forbesganj P.S. Case No. 1050/2021, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Sudhir Singh, J)

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