

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11889 of 2022**

Arising Out of PS. Case No.-117 Year-2020 Thana- VIDYAPATINAGAR District-  
Samastipur

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KRISHNA NAND GIRI, aged about 56 years, Male, Son of Late Tileshtar  
Giri, Resident of Village- Vidyapatinar, P.S.- Vidyapatinar, District-  
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Anshu Dhar Sharma, Advocate  
For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

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

2      25-03-2022                      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 Vidyapatinar P.S. Case No. 117 of 2020 for the offence  
registered under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that total 10.44 liters  
wine is recovered from the joint house of the petitioner.



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 total 10.44 liters wine is recovered from the joint house of the petitioner. 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 Court-I, Samastipur, in connection with Vidyapatinagar P.S. Case No. 117 of 2020, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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