

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11894 of 2022**

Arising Out of PS. Case No.-256 Year-2021 Thana- KALYANPUR District- Samastipur

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WISVAJEET KUMAR @ VISHWAJIT KUMAR, aged about 30 years, Male,
Son of Umesh Roy @ Umesh Prasad Rai, Resident of Village - Tira
Jatmalpur, P.S. - Kalyanpur, District – Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Surya Narayan Roy, Advocate
For the Opposite Party : Mr. Md. Anbzarul Haque Sahara, 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 Kalyanpur P.S. Case No. 256/2021 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 95.04 liters
wine is recovered from the back side of joint house of the
petitioner.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 95.04 liters wine is recovered from the back side of 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 Excise Court-I, Samastipur, in connection with Kalyanpur P.S. Case No. 256/2021, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

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