

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11872 of 2022**

Arising Out of PS. Case No.-45 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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CHANDAN KUMAR, (Male-36 years), S/o Ashok Prasad Singh @ Ram Das Singh, R/o - Sabaura - W.No. - 10, P.S. - Barauni (Refinary O.P.), Dist. - Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate
For the Opposite Party : Mr. A.G.

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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 Excise/Utpad P.S. Case No. 45 of 2021 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 160.125
liters wine is recovered from the husk house, cowshed and
Motorcycle in question.

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 total 160.125 liters wine is recovered from the husk house, cowshed and Motorcycle in question. The name of the petitioner has transpired in the present case as the petitioner happens to be the owner of the Motorcycle in question. The said Motorcycle was given by the petitioner to his co-villager for his personal use. The petitioner had no knowledge regarding the illegal liquor is being carried by the said Motorcycle. 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 Exclusive Special Excise Court No. 2, Begusarai, in connection with Excise/Utpad P.S. Case No. 45 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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