

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11878 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- NARHATT District- Nawada

NIWAS KUMAR @ AVINASH KUMAR, Gender-Male, aged about 25 years,
Son of Upendra Singh, Resident of Village- Garja Chatar, P.S.- Narhat in the
District of Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate

For the Opposite Party : Mr. Nitya Nand Tiwary, A.P.P.

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 Narhat P.S. Case No. 202 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise, 2016.

The prosecution story, in brief, is that total 12.5 liters
wine is recovered from the bags 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 2 liters wine is recovered from the bag which was found by the side of the road and 10.5 liters wine is recovered from another bag which was found near the Motorcycle. The Motorcycle in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by local residents. The names of the 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. 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 Additional Sessions Judge-II-cum-Special Judge,
Nawada, in connection with Narhat P.S. Case No. 202 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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