

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12809 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- BIDUPUR District- Vaishali

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ABHINANJAY KUMAR Son of Kaushal Kishor Tiwari Resident Village-
Digghi Kala Purvi, P.S.- Sadar Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2022 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 and 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 175.2 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 as the driving licence and adhar card of
the petitioner was found in the car from which recovery is made.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 175.2 liters wine is recovered from the car in question. The car in question belongs to the father of the petitioner. The said car in question is run as public carrier. The petitioner had no knowledge regarding the nature of goods kept in the car in question. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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.

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 Sessions Judge -II-cum-Excise Court, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 65/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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