

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12606 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- SALIMPUR District- Patna

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DHARAMVIR KUMAR @ DHARMENDRA KUMAR Son of Kunti Mahto
Resident of Village - Bahadurpur, P.s.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Adv.
For the Opposite Party/s : Mr. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioner and 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 Salimpur
P.S. Case No. 285 of 2020 registered under Sections 147, 148,
149, 323, 304, 353, 224, 225, 307 of the Indian Penal Code and
Section-30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

Prosecution case in short is that five litres wine is
recovered from joint house of the petitioner and the petitioner
was arrested. It is further alleged that the co-accused, having
entered into a scuffle with police, got the petitioner released.



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 petitioner has been falsely implicated in the present case. Five litres of liquor is said to have been recovered from joint house of the petitioner. During raid, a scuffle is said to have taken place between the co-accused and the police. It has further been submitted that none is said to have died during the occurrence. No offence u/S 304 of the Indian Penal Code is attracted in the present case. Five known and 50 unknown persons have been made accused in the FIR. The petitioner had no knowledge regarding the alleged incident. There is no recovery of liquor from conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise, Patna in connection with Salimpur P.S.
Case No. 285 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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