

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13700 of 2022

Arising Out of PS. Case No.-679 Year-2021 Thana- SARAIYA District- Muzaffarpur

GAURAV KUMAR, aged about 32 years, Male, Son of Umesh Prasad Yadav,
Resident of Village - Bayadih, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-04-2022 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 Saraiya P.S. Case No. 679 of 2021 for the offence
registered under Sections 30(a), 32(2), 36 and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3458.880
liters wine is recovered from the Truck in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. He
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 3458.880 liters wine is recovered from the Truck in question. The petitioner is not the owner of the Truck in question. The name of the petitioner has transpired in the present case on the basis of secret information. The source and genuineness of secret information has 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 Special Judge (Excise), Muzaffarpur, in connection with Saraiya P.S. Case No. 679 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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