

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13715 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- DIGHA District- Patna

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Bhanu Rai, aged about 25 years, Male, Son Of Sri Soren Rai @ Suren Prasad,
R/O Village- Ramji Chak, Gandhi Gali, P.S.- Digha, District- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

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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 Spl. 3097/2021(arising out of Digha P.S. Case No.
256/2021) for the offence registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that total 7.5 liters
wine is recovered from the Tempo 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 7.5 liters wine is recovered from the Tempo in question. The petitioner is not owner of the Tempo 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, Patna, in connection with Spl. 3097/2021 (arising out of Digha P.S. Case No. 256/2021),



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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