

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14313 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BANIAPUR District- Saran

MANISH KUMAR SINGH @ TINKU SINGH Son of Prabhunath Singh R/o
Village- Launa Kalan, P.S.- Baniyapur, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-05-2022 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 connection
with Baniyapur P.S. Case No. 60 of 2022 registered for the
offence under Sections-414, 420, 467, 468/34 of the Indian
Penal Code and Sections-30(a)/32(2)(3), 33, 34, 36, 41(1)(2) of
the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 626.790 liters
wine and 120 litres of spirit is recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against



the petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 626.790 liters wine and 120 litres of spirit is recovered from three different vehicles. None of the vehicles belongs to the petitioner. The name of the petitioner has transpired in this case as the vehicles were parked by side of joint house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari vs State of Bihar).

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

Considering the aforesaid facts and circumstances of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Ist Exclusive Special Judge, Excise, Saran in connection with Baniyapur P.S. Case No. 60 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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