

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14631 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

Brij Mohan Prasad @ Braj Mohan Prasad Son Of Banvarilal Bhagat Resident
Of Mohalla Laxmi Chowk, Brahmpura, P.S.- Brahmpura, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 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 272, 273 of the Indian Penal Code and 30(a) and 37(b)(c)
(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 400 ml. 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 recovery is made from the joint house of the
petitioner where other family members also reside. Except for this, there
is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 400 ml. wine is recovered from the joint house of the petitioner. 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, 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 Special Excise Court No. 1, Muzaffarpur in connection with Brahmpura P.S. Case No. 295 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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