

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17805 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- MAIRWAN District- Siwan

Munna Kumar Kushwaha, aged about 30 years (Male), Son Of Umesh Bhagat, Resident Of Village- Dona Bujurg, Police Station- Darauli, District- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party : Mr. Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2022 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 Mairwan P.S. Case No. 422 of 2021 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 26.30 liters wine is recovered from two different Motorcycles.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 26.30 liters wine is recovered from two different Motorcycles. The petitioner is alleged to be the owner of one of the Motorcycles bearing Registration No. BR-29862. The said Motorcycle was given by the petitioner to co-accused Abhishek Singh @ Bittu Singh for treatment of his wife who is the friend of the petitioner. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

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 Court-cum-Special Excise Court No. 1, Siwan, or its available successor court in connection with Mairwan P.S. Case No. 422 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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