

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.16345 of 2022**

Arising Out of PS. Case No.-100 Year-2019 Thana- WARISLIGANJ District- Nawada

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KANHAIYA KUMAR @ KANHAI KUMAR Son of Dinesh Singh, (Correct name is Kanhaiya Kumar) (Wrongly mentioned in the F.I.R as son of Bablu Singh), Resident of Village - Kochagaon, P.S.- Warsaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate  
For the Opposite Party/s : Mr.Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      08-04-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

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 30(a)(c)(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 50 liters wine is recovered.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of disclosure made by the local residents as per F.I.R. The names of local residents, who have named the petitioner, have 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. It is alleged that 50 liters wine is recovered from the brick kiln. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned Exclusive Special Excise Court IInd, Nawada in connection with



Warsaliganj P.S. case No.100/2019, subject to the conditions as  
laid down under Section 438(2) of the Code of Criminal  
Procedure.

**(Sudhir Singh, J)**

Narendra/-

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