

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17818 of 2022

Arising Out of PS. Case No.-533 Year-2021 Thana- PARBATTa District- Khagaria

AMARJEET RAI @ BIKESH RAI @ AMARJEET KUMAR, Male, aged about 38 years, S/o Shyamal Kishore Rai @ Bulu Rai, Resident of Village- Dumaria Khurd, P.S.- Parbatta, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Siddhartha Kumar Singh, Advocate
For the Opposite Party : Mr. Surendra Kumar, 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 Parbatta P.S. Case No. 533/2021 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 9 liters wine is recovered from the *Toilet* of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner 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 9 liters wine is recovered from the *Toilet* constructed on the land belonging to joint family 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 A.D.J.-IV-cum-Special Judge, Excise 2nd, Khagaria, in connection with Parbatta P.S. Case No. 533/2021, arising out



of G.R. No. 4020/2021, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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