

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21264 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

ARVIND KUMAR Son of Ramashankar Rai Resident of Village - Kodariya
Minapur, P.S.- Siwaipatti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2022 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 272, 273, 120B, 420, 467, 468, 471 of
I.P.C. and Sections 30(a), 32, 36, 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 8812.260 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 petitioner is not named
in the F.I.R. His name has transpired in this case on the basis of



confessional statement of co-accused recorded under Section-161 of Cr.P.C. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8812.260 liters wine is recovered from the truck. The petitioner is not the owner of the truck in question. 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 not 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 Special Judge, Exclusive Special Excise Court No.2, Motihari, East Champaran in connection with Madhuban P.S. case No.211 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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