IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21435 of 2022
Arising Out of PS. Case No.-114 Year-2019 Thana- GOVERNMENT OFFICIAL COMP. District- Muzaffarpur

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PANKAJ GOSAI @ PANKAJ GOSWAMI @ PANKAJ KUMAR GOSWAMI S/o Late Bikhari Goswami @ Bikhari Gosal @ Kailash Goswami Resident of Village- Paharpur, Ward No.11, Dihri Buzurg, P.S.- Sakra, District- Muzaffarpur.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Chandra Bhushan Prasad, Advocate
For the Opposite Party/s : Mrs.Sharda Kumari, APP

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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 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1263.960 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 as the alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to

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suggest the implication of the petitioner in this case. It is alleged that 1263.960 liters wine is recovered from the joint house of the petitioner. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari vs. State of Bihar).

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 Special Judge, Excise, Muzaffarpur in connection with Excise case No.114/19, P.R. No.22/19, 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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