

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32067 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Pintu Kumar @ Pintu Ray S/O Video Ray R/O Village-Samartha, P.S.-
Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 22-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bibhutipur P.S. Case no. 285 of 2020 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act and Section 30(a) of the Bihar Prohibition of Excise Act.

As per allegation in the FIR, in course of night patrolling, two vehicles were intercepted by the police and on search, 4410 litres of illegal wine was recovered along with nine live cartridges, pistol, one empty magazine and mobiles were recovered. The accused were also apprehended by the police who disclosed the name of the petitioner, who managed to



escape.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the seized liquor or with the vehicles in question. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the apprehended co-accused persons, which has no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bibhutipur P.S. Case no. 285 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IInd-cum-Special Judge, Excise, Samastipur subject to



the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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