

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29123 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- THARTHARI District- Nalanda

SANTU KUMAR S/o Sanjay Yadav @ Sanjay Prasad R/o village- Atbalchak,
P.S.- Tharthari, District- Nalanda (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned 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 Section-30(a) of the Bihar Prohibition and
Excise Act.

The prosecution case, in short, is that 30 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired on the basis
of secret information. The source and genuineness of secret



information has 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 30 liters wine is recovered from a bush by side of the road. 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 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 F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District & Sessions Judge-cum-Special Judge, Excise-II, Nalanda at Bihar Sharif in connection with Tharthari P.S. Case No. 25 of 2022, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure

(Sudhir Singh, J)

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