

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74323 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Brajesh Kumar, (Male), aged about 35 years, Son Of Mantu Mahto, R/O-
Lakhnibigha, P.S.- Danapur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Learned counsel for the petitioner is directed to

remove the defect(s), as pointed out by the office notes

dated 22.12.2022, within a period of four weeks.

Further, learned counsel for the petitioner is
permitted to make necessary correction in the prayer
portion of bail application.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Special Case No. 8974/2021, arising



out of Danapur P.S. Case No. J50 of 2021 for the offence registered under Sections 30(a), 32(3), 31(1), 41(1) and 42(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 41.760 liters wine is said to have been recovered from the car in question.

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 41.760 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioner, 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. 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, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The 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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Danapur, Patna, in connection with Special Case No. 8974 of 2021, arising



out of Danapur P.S. Case No. J50/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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