

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3621 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- AMNAUR District- Saran

MANI BHUSHAN RAI Son of Nageshwar Rai @ Bhuti Rai Resident of
Village - Madhubani, P.S.- Amnour, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nalin Kumar, Advocate
For the Opposite Party : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 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-414 of the Indian Penal Code and Section-
30/30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 89.25 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired on the basis of
disclosure made by co-accused. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 89.25 liters wine is recovered from the house of co-accused. 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 versus 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 ^{2nd} Additional District & Sessions Judge-II-cum-Ist Exclusive Special Judge, Excise, Saran at Chapra in connection with Amnaur P.S. Case No. 282 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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