

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31826 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KOTWA District- East Champaran

Munna Das, aged about 25 years (M), Son of Dadan Das, R/O Village-
Jauniya Jasauli, P.S.- Bhopatpur, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Abhishek Kumar and Hemant Ray, Advocates
For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kotwa (Bhopatpur) P.S. Case No. 33 of 2024 dated 06.02.2024 registered for the offences punishable under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 872.64 litres of wine is said to have been recovered from the house of the co-accused Anjani Kumar Giri. The apprehended co-accused Anjani Kumar Giri disclosed the name of the petitioner and others who managed to escape from the place of occurrence.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from possession of the petitioner. The petitioner was not arrested on the spot. His name has sprung up in the present case only on the basis of the confessional statement of the co-accused Anjani Kumar Giri which has got no evidentiary value in the eye of law. The petitioner has no concern either with the alleged recovery of wine or with the house in question. There is no compliance of Section 100 of the Cr.P.C. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Kotwa (Bhopatpur) P.S. Case No. 33 of 2024, subject to the



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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