

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15117 of 2020**

Arising Out of PS. Case No.-82 Year-2017 Thana- BUXAR INDUSTRIAL District- Buxar

Sanjeev Kumar Patel @ Sanjeev Kumar, aged about 25 years (Male), Son of Keshav Patel, Resident of Village - Bhagwanpur, P.S. - Ballia (T), District- Ballia (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bachan Jee Ojha, Advocate.

For the Opposite Party : Mr.Ajay Kumar No. 2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 11-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioner is apprehending his arrest in a case for the offence registered under Sections 272, 273 of the IPC and 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 146.16 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 146.16 liters wine is recovered from the car in question. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of seized car. The petitioner is alleged to be the owner of the said car. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating article has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods kept in the said car. There is no compliance of Section 100 of Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise), Buxar, in connection with Buxar (Industrial) P.S. Case No. 82 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

