

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15374 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- HASPURA District- Aurangabad

BHOLU GIRI, aged about 20 years (Male), Son of Jai Prakash Giri, Resident  
of Village - Shankarpur, P.S.- Haspura, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Binod Kumar Pandey, Advocate.  
For the Opposite Party : Mr.Tapeshwar Sharma, 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 Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 67.5 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 67.5 liters wine is recovered from the Tempo in question. The Tempo in question does not belong to the petitioner. The name of the petitioner has come in the present case on the basis of secret information as per F.I.R. 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. Nothing incriminating article 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 of Cr. P.C.

On behalf of the State, it is submitted that the petitioner is 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.-VII-cum-Special Judge, (Excise), Aurangabad, in connection with Haspura P.S. Case No. 20 of 2020, 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)**

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