

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19823 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- CHANDAN District- Banka

MD. SADRE ALAM, aged about 22 years (M), S/o Yunus Miyan @ Inus Miya, R/o Village- Jiwachhpur, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Harun Quareshi, Advocate.
For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2020 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.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

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

The petitioner seeks bail in a case for the offence registered under Sections 30(a) (g) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 167.655



liters wine is recovered.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 03.03.2020. The petitioner has got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. 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 167.655 liters wine is recovered from the car in question. The petitioner is alleged to be the driver of the car in question. He had no knowledge regarding the nature of goods kept in the said car. Nothing incriminating article has been recovered from conscious possession of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been 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, is directed to be released on bail on his personal bond to the satisfaction of



the learned Additional Sessions Judge-II, Banka, in connection with Chandan P.S. Case No. 38 of 2020 (Special Excise No. 141 of 2020).

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 four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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