

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27055 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- PALASI District- Araria

ABU TALIB, aged 21 years (M), Son of Md. Soyaib @ Shoaib Alam,
Resident of Village Suksaina Baluwa, Ward No. -08, P.S.- Palasi, District-
Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ramesh Kumar Singh, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-10-2020 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 after restoration of normalcy.

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), 37(c) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 174 liters
wine is said to have been recovered from the Scorpio vehicle.



The police has also apprehended one co-accused Ramanand Baitha in drunken state.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 24.02.2020. 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 174 liters wine is recovered from the Scorpio vehicle which met with an accident and fell down in a pond of one Asgar Alam. The police also apprehended one co-accused Ramanand Baitha in drunken state. The petitioner is said to be the driver of the vehicle in question. He had no knowledge regarding the nature of goods kept in the Scorpio vehicle. 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, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
2nd Additional Sessions Judge-cum-Special Judge, Araria, in
connection with Palasi P.S. Case No. 51 of 2020, corresponding
to Special Case No. 205 of 2020.

(Sudhir Singh, J)

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