

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26607 of 2020

Arising Out of PS. Case No.-467 Year-2019 Thana- GORAUL District- Vaishali

=====

KUNDAN KUMAR S/o Anil Chaudhary Resident of Village-Rasulpur
Korigaon, Husena Ghat, P.S.-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Binod Kumar 3

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2020 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 restoration of normalcy.

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

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273/34 of Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 44.400 liters of
liquor is recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 44.400 liters of liquor is recovered from the car in question. The name of the petitioner has transpired in this case on disclosure made by the local chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of any incriminating article 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Excise Court, Vaishali at Hajipur in connection with



Goraul P.S. case No.467 of 2019, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

Narendra/-

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

