

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30920 of 2020

Arising Out of PS. Case No.-835 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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KRISHNA KUMAR VERMA @ CHHOTU SHRIVASTVA, Son of Late
Kanhai Shrivastva, (Male), aged about 23 years, Resident of Mohulla -
Housing Board, P.S. - Kanti, District - Muzaffarpur (Bihar).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Dinesh Jha, Advocate.

For the Opposite Party : Mr. Md. Syed Ehteshnamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2020 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 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), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016-18.

The prosecution story, in brief, is that total 141.840



liters wine is said to have been recovered from the car in question.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 14.04.2020. The petitioner has got no criminal antecedent. Charge sheet 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 141.840 liters wine is recovered from the car in question. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from conscious possession of the petitioner. 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.

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
Special Judge (Excise), Muzaffarpur, in connection with Kanti
P.S. Case No. 835 of 2019.

(Sudhir Singh, J)

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