

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29871 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

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SANJAY KUNWAR @ BOTUA Son of Satya Narayan Kunwar @ Satto
Kunwar Resident of Village- Bakhadda, P.S.- Matihani, District.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Smt. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-11-2020 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 seeks bail in a case instituted for the
offences under Section 120B of I.P.C. and Sections 30(a), 32 and
37(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 4839.840 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 21.07.2020. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 4839.840 liters wine is recovered from a truck and Scorpio. None of the vehicles in question belong to the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 A.D.J. 2nd-cum-Special Judge, Excise Act, Begusarai in connection with Matihani P.S. case No.16 of 2020.

(Sudhir Singh, J)

Narendra/-

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