

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33560 of 2020

Arising Out of PS. Case No.-554 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Md. Jamal, aged about 30 years (M), Son of Md. Balalu Master @
Mohammad Balalu, Resident of Mohalla-Gyan Babu Chowk Miscott Ward
No. 7, P.S.-Town Motihari, Dist-Motihari East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Kundan Rathore, Advocate.
For the Opposite Party : Mr. Dr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 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 272, 273 of the I.P.C. and 30(a) of the



Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 120 liters wine is said to have been recovered from e-rickshaw.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 14.08.2020. 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 120 liters wine is recovered from e-rickshaw. The petitioner is alleged to be the driver of e-rickshaw. The petitioner had no knowledge regarding the nature of goods kept on the e-rickshaw. 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 aforesaid 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-



Special Judge, Excise, Motihari, East Champaran, in connection
with Turkauliya (Banjariya) P.S. Case No. 554/2020.

(Sudhir Singh, J)

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