

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33667 of 2020

Arising Out of PS. Case No.-170 Year-2020 Thana- VAISHALI District- Vaishali

SUSHIL KUMAR @ SUSHIL KUMAR SINGH, Gender-Male, aged about 36 years, Son of Ram Pravesh Singh, Resident of Village - Chintamanipur, P.S.- Vaishali in the Distt. - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate.

For the Opposite Party : Mr. Mithilesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 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 414 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 1278.72



liters wine is said to have been recovered from house of co-accused Sonelal Ram.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 14.07.2020. 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. The name of the petitioner has transpired in the present case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is alleged that total 1278.72 liters wine is recovered from the house of co-accused Sonelal Ram. There is no recovery of any incriminating article from 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 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 170 of 2020.

(Sudhir Singh, J)

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