

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33597 of 2020

Arising Out of PS. Case No.-248 Year-2020 Thana- EKMA District- Saran

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VIJAY SAH @ VIJAY KUMAR SAH Son of Bharat Sah Resident of Village
- Brahmpur Naiyka Benti Naya Basti, P.S.- Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-12-2020 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 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 Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 200 liters wine is
recovered.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.06.2020 and has got no criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 200 liters wine is recovered from the Tata Sumo vehicle. The vehicle in question does not belong to the petitioner. The petitioner has got no concern with the recovered goods and the car in question. There is no recovery from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that 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 learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran in connection with Ekma P.S. Case No. 248 of 2020.

(Sudhir Singh, J)

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