

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21444 of 2021

Arising Out of PS. Case No.-629 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Shyam Sah @ Shyam Kumar, aged about 29 years, Male, Son Of Ashok Sah,
Resident Of Village- Jolgama, P.S. Kanti (PANAPUR O.P.), District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Hans Lal Kumar, Advocate.

For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 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
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273, 414/34 of the
I.P.C., 30 of the Bihar Prohibition and Excise Act, 2016 and
25(1-b)a and 26 of the Arms Act.

The prosecution story, in brief, is that total 2788 liters
wine is said to have been recovered from nine different vehicles
alongwith one live cartridge and 13 empty cartridges.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 2788 liters wine is recovered from nine different vehicles alongwith one live cartridge and 13 empty cartridges. None of the vehicles in question belongs to the petitioner. 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 other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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 of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Kanti P.S. Case No. 629 of 2020, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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