

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21446 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- KALYANPUR District- East Champaran

Rustam Sai, aged about 25 years, Male, Son of Ahmad Sah @ Ahmad Sai,
Resident Of Village- Dilawarpur, P.S.- Kesaria, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate.
For the Opposite Party : Mr. A.G.

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. and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 250.20 liters wine is said to have been recovered from the car in question.

It has been submitted by learned counsel for the petitioner that the petitioner 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 250.20 liters wine is recovered from the car in question. The car in question does not belong 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 VIIth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 181 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)

U.K./-

U		T	
---	--	---	--

