

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25631 of 2021

Arising Out of PS. Case No.-577 Year-2020 Thana- NATHNAGAR District- Bhagalpur

SACHITANAND KUMAR SON OF VILASH MANDAL R/O VILLAGE-
FARIDPUR, P.O.- AKIDATTPUR, P.S.- KHARIK BAZAR, DISTRICT-
BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

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.

The petitioner is apprehending his arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 19.26 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The name of the petitioner has transpired as being owner of the vehicle in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 19.26 liters wine is recovered from Tata Magic Van. The petitioner is alleged to be owner of the Van in question. The Van in question is run as public carrier. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. Nothing incriminating has been recovered 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 and also the lockdown, the petitioner, above named, in the event of arrest/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 learned 2nd Additional District & Sessions Judge-cum- Special Judge, Excise, Bhagalpur in connection with Special Excise Case No. 771 of 2020 arising out of Nathnagar (Madhusudanpur) P.S. Case No. 577 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) 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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