

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25333 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Shankar Barnawal S/O Dukhan Sahu R/O Mohalla Dwarikapuri Colony Civil
Line, Balia, P.S.-CIVIL Line, District-Balia, U.P.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 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 Sections 30(a) and 37(I)(II) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.8 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 car 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 1.8 liters wine is recovered from the car in question. The said car is run as public carrier. 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 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 Sessions Judge -cum- Special Judge, Excise, Kaimur at Bhabua in connection with Excise Case No. 224/2020 arising out of Durgawati P.S. Case No. 74/2020, 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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