

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28010 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- DELHA District- Gaya

RAKESH KUMAR @ GUJA CHAUDHARY S/O BIGAN CHAUDHARY
R/o village- Paraiya Bhuiyan Toli, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Delha P.S.
Case No. 01 of 2020 registered for the offence under Section-
30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 200 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 petitioner has been falsely implicated in the



present case. It is alleged that 200 liters wine is recovered from an open field. The name of the petitioner has transpired in this case as the informant claims to have identified the petitioner in torch light. It has been submitted on behalf of the petitioner that neither the petitioner is known to the informant nor the informant is known to the petitioner. Hence, identification made by the informant in the torch light itself is doubtful. 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.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let 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 A.D.J.-cum-Special Judge, Excise, Gaya in connection with Delha P.S. Case No. 01 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)

A.K.V.//-

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

