

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31818 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- NAUTAN District- West Champaran

1. CHANDESHWAR CHAUDHARY S/O SHAMBHU CHAUDHARY R/o village- Khada, P.S.- Nautan, District- West Champaran
2. Ravindar Paswan @ Ravindra Paswan S/o Indal Paswan R/o village- Bagahi, Fulima Tola, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2021 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Chandeshwar Choudhary as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely, Chandeshwar Choudhary is dismissed as



withdrawn.

The petitioner No. 2 is apprehending his arrest in Nautan P.S. Case No. 80 of 2021 registered for the offence under Section-30/30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 29 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 2 has been falsely implicated in the present case. It is alleged that out of 29 litres, 10.4 liters wine is recovered from a shop, allegedly belonging to the joint family of the petitioner. The petitioner denies the ownership of the shop, in question. 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 No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 2, 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 Shri Pawan Kumar Pandey, learned Special Judge, Excise Act, Bettiah, West Champaran in connection with Nautan P.S. Case No. 80 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 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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