

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32740 of 2021

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

CHANDAN KUMAR Son of Virendra Prasad Yadav Resident of Village -
Ward no.2, Basbariya Mehsaul, P.S.- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

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

The petitioner is apprehending his arrest in connection with Sitamarhi P.S. case No.725/2020 registered under Sections 414, 420, 120(B) of I.P.C. and Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 206.280 liters wine is recovered.

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



petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 206.280 liters wine is recovered from five motorcycles and two cars. None of the vehicles in question belongs to the petitioner. The petitioner had no knowledge regarding the alleged incident. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned Additional District and Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in connection with Sitamarhi P.S. case No.725/2020, 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)

Narendra/-

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