

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43596 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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RAJESH SAH, Male, aged about 35 years, Son of Late Madan Sah, Resident
of Village - Basantpur , P.S.- Ghorasahan, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Kundwachainpur P.S. Case No. 206/2020 for the offence
registered under Sections 272/273 of the I.P.C. and 30(a), 32 and
41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 198 liters
wine is recovered from the Bolero Pick-up Van.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 198 liters wine is recovered from the Bolero Pick-up Van. The name of the petitioner has transpired in the present case as the petitioner is alleged to be the owner of the seized vehicle. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. 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 of the case, let 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, in connection with Kundwa Chainpur P.S. Case No. 206/2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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