

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34335 of 2020

Arising Out of PS. Case No.-266 Year-2020 Thana- JAYNAGAR District- Madhubani

MOTI LAL SAH SON OF RAM CHANDRA SAH @ RAM CHANDRA
SAHU Resident of Village- Yogiya, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-03-2021 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.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273, 414/34 of the Indian Penal
Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 63 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 he is said
to be owner of the motorcycle 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 63 liters wine is recovered from the motorcycle 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 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II-cum- Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 266/2020, corresponding G.R. No. 904/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Pankaj/-

(Sudhir Singh, J)

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