

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37028 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- KALYANPUR District- East Champaran

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Rakesh Pal, aged about 40 years, (M), Son Of Madan Pal alias Madan Rai,
Resident Of Village- Siswa Kharar P.S. Kalyanpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 Learned counsel for the petitioner is directed to

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

of four weeks.

Heard learned counsel for the petitioner and learned

A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for

the offence registered under Sections 272, 273/34 of the I.P.C.

and 30(a) and 41(1) of the Bihar Prohibition and Excise Act,

2016.

The prosecution story, in brief, is that total 400 liters

spirit is said to have been recovered from the field of the



petitioner.

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 400 liters spirit is recovered from the field of the petitioner. 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 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, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Kalyanpur P.S.



Case No. 41 of 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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