

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51041 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- PATNA CITY CHOWK District- Patna

RAJIV SAH @ RAJIV KUMAR, age-45 years, Male, Son of Satya Narayan Prasad, R/o - Morcha Road, Kurmi Tola, P.S. - Chowk, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate
For the Opposite Party : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 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 Chowk P.S. Case No. 98/2021 (Spl. Case No. 2394/2021) for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 16.875 liters wine is recovered from the joint house 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 16.875 liters wine is recovered from the joint house of the petitioner. It is further submitted that the house from where liquor has been recovered was given on rent to the co-accused, namely, Putul Kumar @ Digvijay Narayan. The petitioner had no knowledge regarding the nature of goods kept in the house by the co-accused. 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. 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 Special Judge, Excise, Patna, in connection with



Chowk P. S. Case No. 98/2021 (Spl. Case No. 2394/2021),
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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