

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1382 of 2021

Arising Out of PS. Case No.-269 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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UPENDRA KUMAR Son of Bharat Rai @ Bharata Ray Resident of Village-
Panditpur Amwa Tola, P.S.- Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-05-2021 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 a case
registered under Sections 30(a), 30(d), 36, 38, 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8800 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. It is alleged that 8800 liters
wine is recovered from the truck, godown and pick up van in

question. The petitioner is alleged to be the owner of the pick up van in question, which is run by the driver as public transport. The petitioner had no knowledge regarding the nature of goods booked by the transporter. 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 and also the lockdown, 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 13th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with Excise case No.269 of 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.

Narendra/-

(Sudhir Singh, J)

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