

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.374 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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RUPESH KUMAR SAH, aged about 48 years, Son of Ram Chandra Sah,
Resident of Village - Unhachak (Munna Chak), P.S.- Dighwara, Distt.- Saran
at Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shakil Ahmad Khan, Advocate.
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-04-2021 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 Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 81.300
liters wine is said to have been recovered from the hut in
question.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the



present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by local residents. The names of the local residents, who have named the petitioner, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is alleged that total 81.300 liters wine is recovered from the hut in question. The hut in question does not belong to the petitioner. 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 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 only) with two sureties of the like amount each to the satisfaction of the learned Additional District Sessions Judge-II-



cum-Special Judge (Excise Act), Saran, in connection with
Excise Case No. 113/2020, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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