

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54814 of 2021

Arising Out of PS. Case No.-239 Year-2019 Thana- AMAS District- Gaya

Santosh Pathak Son Of Rama Shankar Pathak R/O - B.I.T. Gate Rudia Neuri,
Neori Vikash Vidyalaya, Ranchi, Jharkhand

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 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 eight weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 239, 337, 304(A) of the Indian Penal
Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that while the
informant was on duty, he received information that a vehicle
dashed a man and woman due to which they received injury and
from the vehicle 234 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 being owner of the vehicle 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 234 liters wine is recovered from a Scorpio car which dashed a man and a woman. The petitioner is alleged to be owner of the vehicle in question. The said vehicle is run as public carrier. The petitioner had no knowledge regarding the nature of goods kept in the vehicle. 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.

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 twelve 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, Gaya in connection with Amas P.S. Case No. 239/19, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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