

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58081 of 2021

Arising Out of PS. Case No.-310 Year-2020 Thana- FALKA District- Katihar

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AMAR KUMAR JHA S/O Indra Kumara Jha R/o Vill. - Lohiya Nagar, P.S.
Begusarai Town (Lohiya Nagar O.P.), Dist. - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The petitioner is apprehending his arrest in connection
with Falka (Pothiya O.P.) P.S. Case No. 310 of 2020 registered
for the offence under Section-30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 1081.125 liters
wine is recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The petitioner has been falsely implicated in the
present case. It is alleged that 1081.125 liters wine is recovered



from a pick up Van. The pick up Van belongs to the petitioner. The said pick up Van is run as a public carrier. The petitioner had no knowledge regarding the goods, booked by the transporter. 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/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 learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Katihar in connection with Falka (Pothiya O.P.) P.S. Case No. 310 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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