IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6304 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- VAISHALI District- Vaishali

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AWADHESH KUMAR RAY, aged about 27 years, SON OF ASHARFI RAY, R/o village- Amritpur, P.S.- Vaishali, District- Vaishali.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Manoj Kumar, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-05-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel 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 2059.500 liters wine is said to have been recovered from the Bathan situated in Dairy Farm 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

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against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 2059.500 liters wine is recovered from the Bathan situated in Dairy Farm of the petitioner. It is claimed by the prosecution that the Bathan situated in Dairy Farm belongs to the petitioner but it is submitted by learned counsel for the petitioner that the Bathan situated in Dairy Farm in question does not belong to the petitioner. 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. 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 and also the lockdown, 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 his personal bond to the satisfaction of the learned Special Judge, Excise, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 196 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of

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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.

(Sudhir Singh, J)

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