

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60625 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- PIRBAHOR District- Patna

SANTOSH KUMAR CHAUHAN @ SANTOSH KUMAR S/o- Basudev
Mahto R/o - Nandgola (East Nandgola) Badi Sanghat, P.S.- Malsalami,
District- Patna (Owner of Tempu bearing Reg. No. - BR- 01PD-5071).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2021 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 eight weeks.

The petitioner is apprehending his arrest in connection
with Pirbahore P.S. case No.148/2021 (Spl. Case No.2428/2021)
registered under Sections 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 40 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 40 liters



wine is recovered from the tempo. The petitioner is alleged to be the owner of the tempo. Said tempo is run as public carrier. The petitioner had no knowledge regarding the nature of goods kept in the tempo. 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, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Pirbahore P.S. ase No.148/2021 (Spl. Case No.2428/2021), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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