

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4874 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- CHEWARA District- Sheikhpura

MOTICHAND BIND S/o Gopi Bind R/o village- Kushokhar, P.S.- Chewara,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

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

At the outset, learned counsel for the petitioner
submits that inadvertently, in the prayer portion of the petition,
“*Chewara P.S. Case No. 71 of 2021*” has wrongly been
mentioned in place of “**Chewara P.S. Case No. 73 of 2021**”.

Accordingly, “*Chewara P.S. Case No. 71 of 2021*”
mentioned in the prayer portion of the petition be read as
“*Chewara P.S. Case No. 73 of 2021*”



Heard learned counsel for the petitioner and the State through virtual mode.

The petitioner is apprehending his arrest in connection with Chewara P.S. Case No. 73 of 2021 registered for the offence under Sections-272, 273 of the Indian Penal Code and Sections-30(a) & 30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 7 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 petitioner has been falsely implicated in the present case. It is alleged that 7 litres wine is recovered from an abandoned hut situated at the top of the hill. The abandoned hut in question does not belong to the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by local chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid 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 his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sheikhpura in connection with Chewara P.S. Case No. 73 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of 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)

A.K.V//-

U		T	
---	--	---	--

