

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14052 of 2022

Arising Out of PS. Case No.-295 Year-2020 Thana- NAUGACHIA District- Bhagalpur

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RUPESH KUMAR JHA S/o Bashisth Paswan Resident of Village- Terari,
P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 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 defect(s), as pointed out by the Office, within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 38(i) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 682.5 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 one of the motorcycles
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 682.5 liters wine is recovered from two different motorcycles and a car. The said motorcycle was given by the petitioner to his co-villager for his personal use. The petitioner had no knowledge regarding the nature of goods kept in the motorcycle. 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./complaint case.

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 Special Judge, Exclusive Excise Court No. 2, Bhagalpur in connection with Naugachia P.S. Case No. 295 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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