

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6171 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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S.P. SINGH @ SAKINDRA PRASAD SINGH, aged asbout 55 years,
Gender-Male, Son of Late Kapildeo Singh, Resident of Village - Kolhua
Paigambarpur, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Sri Govind Prasad, S/O Late Brajnandan Prasad Srivastava, R/O First Floor
of Braj Kanti Niwas, Village+P.O. Susta Madhopur, P.S. Sadar, District-
Muzaffarpur(Bihar).

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ravi Nandan, Advocate
For the O.P. No. 2	:	Mr. P. K. Shahi, Sr. Advocate
For the State	:	Mr. Md. Shakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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.

Heard learned counsel for the petitioner, learned
senior counsel for the opposite party no. 2 and learned A.P.P. for
the State through Virtual mode.

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

The petitioner is apprehending his arrest in connection
with Sadar P.S. Case No. 446 of 2020, for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.



The prosecution story, in brief, is that total 440.64 liters wine is recovered from the car parked by the side of Marriage Hall.

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 against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 440.64 liters wine is recovered from the car parked by the side of Marriage Hall. The petitioner is neither the owner of the said Marriage Hall nor the owner of the car in question. 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 goods kept in the car in question. 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.

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, 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 his personal bonds to the satisfaction of the learned Special Judge, Excise, Muzaffarpur, in connection with Sadar P.S. Case No. 446 of 2020, 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)

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