

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69066 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- GUTHANI District- Siwan

RAJPAL, aged about 35 years (M), Son of Shyam Sunder, Resident of village
- Gopalwas (10), P.S.- Bahal, District - Bhiwani (Haryana).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sachida Nand Rai, Advocate
For the Opposite Party : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned
counsel 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.

The petitioner is apprehending his arrest in connection
with Guthani P.S. Case No. 168 of 2019 for the offence
registered under Sections 420, 465, 467 of the I.P.C. and
Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 4829.760
liters wine is recovered from the Truck in question.

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 4829.760 liters wine is recovered from the Truck in question. The petitioner is alleged to be the owner of the Truck in question. The said Truck is run as public carrier. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

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, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd-cum-Special Judge,



Excise, Siwan, in connection with Guthani P.S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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