

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8570 of 2023

Arising Out of PS. Case No.-222 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

Chathu Rai @ Chathu Kumar, aged 26 years (Male), Son Of Late Bahar Rai,
R/O Village- Dighwa, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Learned counsel for the petitioner is directed to

remove the defect(s), as pointed out by the office notes

dated 03.02.2022, within a period of four weeks.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in

connection with Mohammadpur P.S. Case No. 222 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 2200

liters spirit is said to have been recovered from the Bolero

Pick-up Van.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 2200 liters spirit is recovered from the Bolero Pick-up Van in question. The said Bolero Pick-up Van does not belong to the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local Choukidar. 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 alleged incident. 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, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The 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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise Court No. I, Gopalganj, in connection with Mohammadpur P.S. Case No. 222 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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