

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16795 of 2020**

Arising Out of PS. Case No.-210 Year-2019 Thana- TARARI District- Bhojpur

1. RAMESH SINGH Son of Sohawan Singh Resident of Village - Karath, P.S.- Tarari, District - Bhojpur, Ara.
2. Madhu Singh Son of Late Rama Nand Singh Resident of Village - Karath, P.S.- Tarari, District - Bhojpur, Ara.
3. Fataka Kahar @ Shyam Bija Kahar @ Bija Kahar Son of Banan Kahar Resident of Village - Karath, P.S.- Tarari, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jawed Gaffar Khan, Adv.  
For the Opposite Party/s : Mr. Khurshid Anwar, App

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      15-10-2020                      The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

It has been submitted on behalf of learned counsel for the petitioners that during pendency of this application, petitioner no. 3 Fataka Kahar @ Shyam Bija Kahar @ Bija Kahar has been arrested, as such, the present application has become infructuous against petitioner no. 3.



Petitioners apprehend their arrest in a case registered under Section 30(a)(C) of the Bihar Prohibition and Excise Act, 2016.

Informant is the police officer, who in his written complaint has alleged that while he was on patrolling duty, he received secret information that petitioners are preparing Mahua wine in huge quantity in the orchard of Dukhi Singh and on receiving such information, he alongwith other police personnel reached said place and on seeing police party, miscreants assembled there fled away. It is further alleged that local Chaukidar identified them as petitioners. On search 5 litres of Mahua wine was recovered from the orchard and some equipment for preparing Mahua wine was also found there.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case only on the basis of suspicion. It has been further submitted that alleged recovery was made from the orchard of Dukhi Singh. Nothing was recovered from the possession of petitioners, as such, no offence under Excise Act is made out against them. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the



case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 4<sup>th</sup> Additional Session Judge, Bhojpur, Ara, in connection with Tarari P.S. Case No. 210 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.
- (4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

**(S. Kumar, J)**

veena/rajiv-

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