

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26610 of 2020

Arising Out of PS. Case No.-391 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. RAUNAK Son of ----- Resident of Village- Gaulpur, P.S.- Ahir Sidhauri, District- Bagpat (U.P.).
2. Khalid Son of Raphe Resident of Village- Gaulpur, P.S.- Ahir Sindhauri, District- Bagpat (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2020 Due to 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.

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

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

The petitioners are apprehending their arrest in a case registered under Sections 30(a)(b)(c),38, 41(a)(b) of Bihar Prohibition and Excise Act, 2016.



Prosecution case, in short, is that 2480 liters of liquor is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the basis of disclosure made by the co-accused. It is alleged that 2480 liters of liquor is recovered from the truck. The petitioner No.1 is said to be the owner of the truck and petitioner No.2 is said to be the driver of the truck in question. The petitioners had no knowledge regarding the nature of goods kept in the truck. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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 A.D.J. II-cum-Special Judge (Excise), Gopalganj in connection with Kuchaikote P.S. case No.391 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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