

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26570 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- PARSABAZAR District- Patna

1. UMESH RAY Son of Dinanath Yadav Resident of Village - Mokimpur, P.S.- Parsa Bazar, District - Patna.
2. Madhusudan Kumar @ Masudan Kumar @ Pankaj Kumar Son of Late baldeo Singh Resident of Village - Mokimpur, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Anuj Kumar Srivastava, APP

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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The prosecution case, in short, is that 288.15 liters wine is recovered by the side of boring.

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 petitioner no. 1 is said to be the owner of the boring in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 288.15 liters wine is recovered in an abandoned state by the side of boring. 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./complaint case.

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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.



530/2020 (arising out of Parsa Bazar P.S. Case No. 16/2020),
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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