

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29506 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. SONU PATEL @ SONU KUMAR S/o Mahendra Patel @ Mahendra Rai Resident of Village-Amar Chhatauni, P.S-Chhatauni, District-East Champaran.
 2. Manish Kumar S/o Mahendra Patel @ Mahendra Rai Resident of Village-Amar Chhatauni, P.S-Chhatauni, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Jai Narayan Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Jai Narayan Thakur, learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioners submits that during pendency of this application, the final form has been submitted against the petitioner No. 1 and the allegation against him has not been found to be true in the investigation.

Accordingly, learned counsel for the petitioners seeks permission to withdraw this application against petitioner No. 1 namely, Sonu Patel @ Sonu Kumar.

Permission is granted.



This application against petitioner No. 1 is dismissed as withdrawn.

So far as petitioner No. 2 namely, Manish Kumar is concerned, he apprehends arrest in connection with Excise Case No.66 of 2020 registered for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

The allegation as per the prosecution report against petitioner No. 2 is that the Excise officials raided the house of Mahendra Patel and recovered a total quantity of 16.020 litres of illicit foreign liquor from the roof of his house and the petitioners, being the sons of Mahendra Patel, has been made accused whereas the case against petitioner No. 1 has not been found to be true and the final form has been submitted.

Learned counsel for the petitioner submits that Mahendra Patel who is owner of the house, has not been made accused in this case. Learned counsel also submits that petitioner No. 2 has got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner No. 2 is son of Mahendra Patel, from whose house, the illicit foreign liquor has been recovered, I am inclined to grant anticipatory bail to the petitioner No. 2.



Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner No. 2, above named, shall 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 learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Excise Case No.66 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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