

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33675 of 2020

Arising Out of PS. Case No.-378 Year-2020 Thana- SHERGHATI District- Gaya

1. Dheeraj Kumar (Male), aged about 20 years, son of Om Prakash Gupta @ Om Prakash, Resident of Village- Chitabkala, Police Station- Sherghati, District- Gaya.
2. Gautam Kumar (Male), aged about 19 years, son of Sanjay Prasad Gupta, Resident of Village- Chitabkala, Police Station- Sherghati, District- Gaya.

... .. Petitioners

Versus

The state of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Gajendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 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 after restoration of normalcy.

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

The petitioners seek bail in a case for the offence



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

The prosecution story, in brief, is that total 150 liters wine is said to have been recovered from the Tempo.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 11.08.2020. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 150 liters wine is recovered from the Tempo in question. The petitioners have got no concern with the alleged Tempo in question. The petitioners had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from conscious possession of the petitioners. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each



to the satisfaction of the learned Special Judge, Excise, Gaya, in
connection with Sherghati (Shergathi) P.S. Case No. 378 of
2020.

(Sudhir Singh, J)

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