

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12331 of 2021

Arising Out of PS. Case No.-366 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. PINTU KUMAR S/O Late Mushafir Yadav R/O Village - Dalli Bigha, P.S. Belaganj, District - Gaya.
 2. JITENDRA YADAV @ BUTTA S/o Chamaru Yadav R/O Village - Dalli Bigha, P.S. Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, counsel for the petitioners is permitted to make necessary correction in the name of petitioner No.2.

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

The prosecution case, in short, is that 25 liters wine along with 6600 kgs mahua jawa are recovered.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of disclosure made by the local residents as per F.I.R. The names of local residents, who have named the petitioner, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 25 liters wine along with 6600 kgs mahua jawa are recovered from the side of a pond. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of



learned Special Judge, Excise, Gaya in connection with Excise case No.366 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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