

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11738 of 2021

Arising Out of PS. Case No.-341 Year-2020 Thana- WARISLIGANJ District- Nawada

1. SUBODH KUMAR S/O Debu Singh R/O Vill Kochgaon , P.S. - Warsaliganj, Distt. - Nawada.
2. Ganpat Kumar S/O Sharvan Singh R/O Vill Kochgaon , P.S. - Warsaliganj, Distt. - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the petitioners and the State through virtual mode.

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

At the outset, learned counsel for the petitioners submits that during pendency of this application, the petitioner No. 1 namely Subodh Kumar has been taken into judicial custody. Hence, the application with regard to petitioner No. 1 has become infructuous.

Accordingly, this application with regard to petitioner No. 1 namely Subodh Kumar is dismissed as withdrawn.



The petitioner No. 2 is apprehending his arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40.875 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 2 has been falsely implicated in the present case. The name of the petitioner No. 2 has transpired in this case on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in this case. It is alleged that 40.875 litres of wine is recovered from the pick up Van, in question. The pick up Van, in question does not belong to the petitioner No. 2. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 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 petitioner No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances



of the case and also the lockdown, let the petitioner No. 2, 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 his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Nawada in connection with Warsaliganj P.S. Case No. 341 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 petitioner No. 2 shall 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)

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