

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12838 of 2021

Arising Out of PS. Case No.-363 Year-2019 Thana- LALGANJ District- Vaishali

1. SHIVCHANDRA KUMAR S/o- PANCHI LAL RAI @ PANCHI RAY
Resident of Village- Salempur, P.S.- Lalganj, District- Vaishali at Hajipur.
2. PANCHI LAL RAI @ PANCHI RAY S/o- GULUM RAY Resident of
Village- Salempur, P.S.- Lalganj, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2021 Heard learned counsel for the petitioners and learned APP
for the State through virtual mode.

Learned counsel for the petitioners is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks.

The petitioners are apprehending their arrest in a case
registered under Section 414 of the Indian Penal Code and 30(A) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 60 liters wine is
recovered.

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 names of



the petitioners have transpired 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 petitioners in this case. It is alleged that 60 liters wine is recovered from different places. 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.

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 six 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 Additional Sessions Judge -II-cum- Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 363/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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