

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13570 of 2021

Arising Out of PS. Case No.-716 Year-2020 Thana- SONEPUR District- Saran

1. Dinesh Rai S/O Ashok Rai R/O Village- Baburbani, P.S Sonepur District- Saran (CHAPRA).
2. Shailendra Rai @ Shailendra Kumar @ Shailendra Kumar Rai S/O Amir Lal Rai R/O Village- Baburbani, P.S Sonepur District- Saran (CHAPRA).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, 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.

The petitioners are apprehending their arrest in a case registered under Sections 467, 468, 471, 420, 272, 273, 120(B) of I.P.C. and Sections 30(a), 34, 36, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 165 liters wine is 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 Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 165 liters wine is recovered from the bank of the river. 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 Additional Sessions Judge II-cum-Special Judge, Excise, Saran at Chapra in connection with Sonapur P.S. case No.716 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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