

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12899 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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1. VISHWAJEET KUMAR @ GUDDU SINGH S/o- Suresh Singh R/o Village- Mokama, P.S.- Mokama, District- Patna, at present Address- K.S.S. College Baripokhar Naya Tola, P.S.- Lakhisarai, District- Lakhisarai.
 2. Banarsi Mandal @ Binay Mandal S/o- Satan Mandal R/o Village- Purani Bazar Naya Tola, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shaukat Alam
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-09-2021 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 after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 32, 41, 56(a), 56(2) and 62 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 18 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 local residents. The names of local residents, who have named the petitioners, 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 18 liters wine is recovered from the house of co-accused. 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./complaint case.

Considering the aforesaid facts and circumstances, the petitioners, 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 their personal bonds to the satisfaction of learned 2nd Additional District & Sessions Judge -cum- Special Judge, Excise, Lakhisarai in connection with Case No. 137C2/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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