

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14994 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- GOPALPUR District- Gopalganj

1. UMESH GOSWAMI Son of Shiv Shankar Goswami @ Uma Shankar Goswami @ Shivshankar Gosai Resident of Village- Chainpur, P.S.- Hathua, District- Gopalganj.
2. Dinesh Goswami Son of Shiv Shankar Goswami @ Uma Shankar Goswami @ Shivshankar Gosai Resident of Village- Chainpur, P.S.- Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2021 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.

The petitioners are apprehending their arrest in a case registered under Sections-30(a), 32(2) and 42(1) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 1736.640 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 petitioners have been falsely implicated in the present case. It is alleged that 1736.640 litres wine is recovered from the Pick up Van. The petitioner No. 1 is said to be owner of Pick up Van in question. Prior to institution of the present case, the petitioner No. 1 had lodged a case with regard to theft of pick up Van, in question. The petitioner No. 2 has been made accused as he is brother of petitioner No. 1. The petitioners have been made accused in the present case due to mistake of fact. 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 of the case and also the lockdown, let 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 bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj in connection with Gopalpur P.S. Case No. 04



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 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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