

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16020 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- SIKARHATTA District- Bhojpur

1. MUKESH KUMAR S/O KANHAIYA BAITHA R/o village- Sidaha, P.S.- Tarari, District- Bhojpur
2. MOCHU YADAV S/o ALAKH YADAV R/o village- Sidaha, P.S.- Tarari, District- Bhojpur
3. ROHIT @ AMRENDRA KUMAR S/o Satyendra Yadav R/o Raj Bhaldi, P.S.- Sikarhata, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2021 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 Section-30(a) of the Bihar Prohibition and Excise Act.

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

It has been submitted on behalf of the petitioners that



petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 60 litres wine is recovered by side of the road. The names of the petitioners have transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. 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-IV-cum-Special Judge, Excise Act, Ara, Bhojpur in connection with Sikarhatta P.S. Case No. 100 of 2020 (Excise Case No. 1119 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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