

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15727 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- CHANAN District- Lakhisarai

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1. MAHESH MANDAL S/o Gujju Mandal @ Guju Mandal R/o village- Gopalpur, Gajiya Garhi Musahari Tola, P.S.- Chanan, District- Lakhisarai
 2. Kundan Kumar S/o Gujju Mandal @ Guju Mandal R/o village- Gopalpur, Gajiya Garhi Musahari Tola, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

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 Sections-272, 273 of the Indian Penal Code and Sections-30(a)(b)(c)/34(a)(b) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 60 liters wine alongwith 1350 litres Jawa Mahua 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 liters wine alongwith 1350 litres Jawa Mahua is recovered by the side of the canal and the bamboo clamp in an abandoned state. The names of the petitioners have transpired in this case on the basis of disclosure made by local residents. 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 Chief Judicial Magistrate-II-cum-Special Judge, (Excise), Lakhisarai in connection with Chanan P.S.



Case No. 136 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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