

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19329 of 2021**

Arising Out of PS. Case No.-565 Year-2020 Thana- MAHUA District- Vaishali

1. Sujit Kumar Son Of Upendra Rai Resident Of Village- Phulwariya, P.S- Mahua, District- Vaishali
2. Upendra Rai Son Of Late Janak Rai Resident Of Village- Phulwariya, P.S- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      15-04-2021                      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.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 234.180 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner No.2 has 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 name of the petitioners has transpired as the alleged recovery is made from the joint house of the petitioners where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 234.180 liters wine is recovered from the joint house of the petitioners. 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 complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. case No.565 of 2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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