

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19294 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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1. RAJ KUMAR @ RAJA KUMAR SON OF MAHENDRA NISAD
RESIDENT OF VILLAGE- LAILAKH, P.S.- SABOUR, DIST.-
BHAGALPUR
 2. LALAN KUMAR @ ANAND THAKUR SON OF AMBIKA MANDAL
RESIDENT OF VILLAGE- LAILAKH, P.S.- SABOUR, DIST.-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-06-2021 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-147, 148, 149, 353, 307, 504, 506 of
the Indian Penal Code and 27 of the Arms Act as well as
Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 liters wine is
recovered. It is also alleged that the accused persons tried to



snatch the seized wine from the police and firing was also made.

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 40 litres wine is recovered from the platform of railway. So far offence under Section 307 of the Indian Penal Code is concerned, the same is general and omnibus. No specific overt act is alleged against 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 petitioner No. 1 is named and petitioner No. 2 is not 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, Bhagalpur in connection with G.R.P.
S. P. S. Case No. 40 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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