

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20468 of 2021

Arising Out of PS. Case No.-188 Year-2017 Thana- DORIGANJ District- Saran

1. Surendra Rai, aged about 55 years (Male), Son of Late Chaturi Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
2. Nagendra Rai, aged about 43 years (Male), Son of Udit Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
3. Vishwanath Rai, aged about 58 years (Male), Son of Late Gauri Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
4. Sanjit Rai @ Sanjit Kumar, aged about 22 years (Male), Son of Bachcha Babu Yadav, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
5. Bharat Rai, aged about 35 years (Male), Son of Sakaldeep Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
6. Siyaram Rai @ Siyaram Sharan Yadav, aged about 32 years (Male), Son of Sakaldeep Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.
7. Santosh Rai @ Satyadeo Rai, aged about 49 years (Male), Son of Rampujan Rai, Resident of Village- Balwan Tola, P.S.- Doriganj, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Nalin Kumar, Advocate.
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

The petitioners are apprehending their arrest in a case



for the offence registered under Sections 272, 273, 308/34 of the I.P.C. and Sections 30 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1020 liters wine is said to have been recovered from the *Gumti* in question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 1020 liters wine is recovered from the *Gumti* in question. The names of the petitioners have transpired in the present case on the basis of disclosure made by local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest



or 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 the learned Special Judge, Excise, Saran at Chapra, in connection with Doriganj P.S. Case No. 188 of 2017, 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) only each 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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