

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19995 of 2021

Arising Out of PS. Case No.-622 Year-2020 Thana- GARKHA District- Saran

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1. RAMASHANKAR @ RAMASHANKAR RAI Son of Bhola Rai Resident of Village - Pachbhiriya, Garkha , Distt.- Saran.
 2. Birbal Rai Son of Jagat Rai Resident of Village - Tahal Tola, Garkha , Distt.- Saran.
 3. Tufani Rai @ Toofan Rai Son of jagat Rai Resident of Village - Tahal Tola, Garkha , Distt.- Saran.
 4. Vijay Rai @ Vijay Kumar Son of Aditya Rai Resident of Village - Tahal Tola, Garkha , Distt.- Saran.
 5. Suresh Rai Son of Kitab Rai Resident of Village - Tahal Tola, Garkha , Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners seeks permission of
the Court to withdraw this application in respect of petitioner
nos. 2 and 3 as they have been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of
petitioner nos. 2 and 3.

Learned counsel for the petitioner nos. 1, 4 and 5 is



directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner nos. 1, 4 and 5 are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that altogether 42 liters wine is recovered.

It has been submitted on behalf of the petitioner nos. 1, 4 and 5 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1, 4 and 5. The names of the petitioner nos. 1, 4 and 5 have transpired on the basis of disclosure made by local Dafadar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2 liters wine is recovered from the house of co-accused whereas 40 liters wine is recovered from three motorcycles. Nothing incriminating has been recovered from the conscious possession of petitioner nos. 1, 4 and 5. The petitioner nos. 1, 4 and 5 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 nos. 1, 4 and 5 are named in the F.I.R.



Considering the aforesaid facts and circumstances and also the lockdown, the petitioner nos. 1, 4 and 5, 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 bonds to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in connection with Garkha P.S. Case No. 622/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1, 4 and 5 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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