

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21521 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- LALGANJ District- Vaishali

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1. MOHAN RAY Son of Rajesh Ray Resident of Village - Salempur, P.S.-  
Lalganj, Distt.- Vaishali.
  2. MANOJ RAY Son of Rajesh Rai Resident of Village - Salempur, P.S.-  
Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Advocate

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

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

2      02-07-2021                      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 from the date of restoration of normalcy.

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

The prosecution case, in short, is that 35 liters wine is  
recovered.

It has been submitted on behalf of the petitioners that  
the petitioners have 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 names of the petitioners have transpired in this case on the basis of disclosure made by the local residents as per F.I.R. The names of local residents, who have named the petitioners, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 35 liters wine is recovered from the co-accused. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 facts and circumstances of the case and also the lockdown, 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 learned Additional District & Sessions Judge II-cum-Special Excise Court, Hajipur in connection with Lalganj P.S. case No.129 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 will 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)**

Narendra/-

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