

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21559 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

-
1. Arun Sah S/O Tarni Sah @ Tarani Sah R/O Village-Narayanpatti, Ward No 05, P.S-Madhepura (BHARRAHI O.P.), District-Madhepura.
 2. Raja Kumar S/O Arun Sah R/O Village-Govindpur, P.S.-CHANDAN, District-Banka
 3. Amit Yadav @ Amit Kumar S/O Shivendra Yadav R/O Village-Budhi, Ward No.07,P.S-Madhepura (BHARRAHI O.O), District-Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

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), 30(d), 36, 38, 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 497.500 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. It is alleged that 497.500 liters wine is recovered from the truck. The petitioner No.1 is alleged to be the owner of the truck in question. Said truck is run as public transport. The name of petitioner No.2 has transpired in this case as he happens to be the son of petitioner No.1. The name of petitioner No.3 has transpired in this case on disclosure made by 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 Sessions Judge II-cum-Special Judge, Excise, Madhepura in connection with Excise case



No.295/2020-21, 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/-

U		T	
---	--	---	--

