

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22661 of 2021**

Arising Out of PS. Case No.-19 Year-2021 Thana- JAGDISHPUR District- Bhojpur

1. NIHORA SINGH S/O LATE JIUT SINGH @ GAYA SINGH R/O VILLAGE-SARAIYA TOLA, P.S. JAGDISHPUR, DISTRICT-BHOJPUR.
2. SIDHA NATH SINGH S/O LATE GAYA SINGH R/O VILLAGE-SARAIYA TOLA, P.S. JAGDISHPUR, DISTRICT-BHOJPUR.
3. MANTOSH KUMAR S/O LATE SHIVNATH SINGH @ SIDHNATH SINGH R/O VILLAGE-SARAIYA TOLA, P.S. JAGDISHPUR, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque

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 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 Section-30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 240 liters Jawa Mahua is recovered.

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 240 litres Jawa Mahua is recovered from an orchard belonging to joint family of petitioner No. 1. So far petitioner Nos. 2 & 3 are concerned, their names transpired on the disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present 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.

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-IV-cum-Special Judge, Excise Act, Bhojpur at Ara in connection with Jagdishpur P.S.



Case No. 19 of 2021, 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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