

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16296 of 2020

Arising Out of PS. Case No.-655 Year-2019 Thana- ARA NAGAR District- Bhojpur

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1. HIMANSHU SINGH Son of Kamdev Singh Resident of Village - Majhauwan, P.S.- Ara Nagar, Distt - Bhojpur.
 2. Nandjee Son of Sanjay Ray Resident of Village - Majhauwan, P.S.- Ara Nagar, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 147, 149, 337, 338, 353, 504, 341, 323 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2) (va) of SC/ST Act.

Prosecution case, in short, is that 1.4 liters liquor 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 falsely been implicated in the



present case. General and omnibus allegation has been made. It is alleged that 1.4 liters liquor is recovered from the joint house of petitioner No.1 where other family members also reside. The alleged occurrence has not taken place in a public view. Hence no offence under the SC/ST Act is made out. There is no recovery of liquor 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 F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Ara Nagar P.S. case No.655 of 2019, Excise case No.2620 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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