

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25591 of 2021**

Arising Out of PS. Case No.-442 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. SHATRUGHAN PRASAD @ SHATRUDHAN PRASAD Son of Jay Lal Sah Resident of Village- Tiwari Tola, Belwa Ray Tola, P.S.- Turkaulia, District- East Champaran.
 2. Munna Sah @ Munna Kumar Son of Sone Lal Sah Resident of Village- Tiwari Tola, Belwa Ray Tola, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The petitioners 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 1599.660 liters wine 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 are not named in the F.I.R.. The names of the petitioners have transpired in course of investigation on the basis of disclosure made by co-accused before the police. Except for this, there is no other substantive evidence to suggest their implication in the present case. It is alleged that 1599.660 liters wine is recovered from the truck in question. The truck in question does not belong to the petitioners. 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 not named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances and also the lockdown, 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 bonds to the satisfaction of learned Additional Sessions Judge -II-cum- Special Judge, Excise, East Champaran at Motihari, in connection with Turkaulia P.S. Case No. 442 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 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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