

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24053 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- TEGHRHA District- Begusarai

1. ROHIT KUMAR Son of Hare Ram Kunwar Resident of Village- Pidhauri, P.S.- Teghra, District- Begusarai.
2. Mangal Kunwar Son of Arvind Kunwar Resident of Village- Pidhauri, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 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.

Counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Rohit Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely, Rohit Kumar is dismissed as withdrawn.



The petitioner No. 2 is apprehending his arrest in Teghra P.S. Case No. 198 of 2020 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 110.125 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. It is alleged that 110.125 liters wine is recovered from the hut of co-accused. The name of the petitioner No. 2 has transpired in this case on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 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 petitioner No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 2, 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 his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Teghra P.S. Case No. 198 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 petitioner No. 2 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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