

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27013 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- BODHGAYA District- Gaya

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1. ANUJ KUMAR KUSHWAHA @ PATHAN @ ANUJ KUMAR S/O SRI RAMESH PRASAD R/o village- Amwan, P.S.- Bodh Gaya, District- Gaya
 2. Vijay Chaudhary S/o Shivnandan Chaudhary R/o village- Amwan, P.S.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 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 connection with Bodh Gaya P.S. case No.36/2021 registered under Sections 420, 467, 468, 471, 120(A) of I.P.C. and Sections 30(a)/36/41(i) of the Bihar Prohibition and Excise Act, 2016 and Section 27 of the Arms Act.

The prosecution case, in short, is that 2461.950 liters wine is recovered from the truck and five other vehicles.



It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2461.950 liters wine is recovered from the truck and five other vehicles. None of the vehicles in question belongs to the petitioners. 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 IInd-cum-Special Judge, Excise Act, Gaya in connection with Bodh Gaya P.S. case No.36/2021, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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/-

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