

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34770 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. GANGA RAM PASWAN SON OF LATE PALAT PASWAN RESIDENT OF VILLAGE- CHERIYABARIYARPUR, P.S. CHERIYABARIYARPUR, DISTRICT- BEGUSARAI
 2. MANOJ PASWAN SON OF RAM SHARAN PASWAN RESIDENT OF VILLAGE- CHERIYABARIYARPUR, P.S. CHERIYABARIYARPUR, DISTRICT- BEGUSARAI
 3. KARI PASWAN SON OF JAMUNA PASWAN RESIDENT OF VILLAGE- CHERIYABARIYARPUR, P.S. CHERIYABARIYARPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2021 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 Cheriya Bariyarpur P.S. Case No. 257 of 2020 registered for the offence under Sections-30(a) & 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 31 liters wine is



recovered.

It has been submitted on behalf of the petitioners that petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 21 litres, 5 litres and 5 litres wine is recovered from joint houses of petitioner Nos. 1, 2 & 3 respectively. 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, 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 Special Judge, Excise Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 257 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) 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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