

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29509 of 2021

Arising Out of PS. Case No.-404 Year-2020 Thana- DUMRA District- Sitamarhi

1. DHARMENDAR SAH @ DHARMENDRA SAH S/O PRABHU DAYAL SAH R/O VILLAGE-MIRJAPUR, P.O-BISHANPUR, P.S.-PUNAURA, DISTRICT-SITAMARHI (BIHAR).
2. YOGENDAR RAI @ YOGENDRA RAI S/O NEWALAL RAI R/O VILLAGE-MOHANDI, P.S-DUMRA, DISTRICT-SITAMARHI (BIHAR).
3. CHANDAN KUMAR S/O YOGENDAR RAI @ YOGENDRA R/O VILLAGE-MOHANDI, P.S-DUMRA, DISTRICT-SITAMARHI (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Dharmendar Sah @ Dharmendra Sah 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Accordingly, this application with regard to petitioner No. 1 namely, Dharmendar Sah @ Dharmendra Sah is dismissed as withdrawn.

The petitioner Nos. 2 & 3 are apprehending their arrest in Dumra P.S. Case No. 404 of 2020 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 31.125 liters Jawa Mahua is recovered.

It has been submitted on behalf of the petitioner Nos. 2 & 3 that they 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 31.125 litres wine is recovered from the mango orchard. The mango orchard does not belong to the petitioner Nos. 2 & 3. The names of the petitioner Nos. 2 & 3 have 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 Nos. 2 & 3 in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner Nos. 2 & 3. The petitioner Nos. 2 & 3 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 Nos. 2 & 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner Nos. 2 & 3 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S. Case No. 404 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 Nos. 2 & 3 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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