

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28453 of 2021**

Arising Out of PS. Case No.-620 Year-2020 Thana- MANER District- Patna

1. KANAHAIYA RAI @ KRISHNA RAI Son of Dina Nath Rai Resident of Village- Sherpur Heera Tola, P.O.- Sherpur, Police Station- Maner, District- Patna.
2. PAWAN RAY Son of Kanhaiya Rai @ Krishna Rai Resident of Village- Sherpur Heera Tola, P.O.- Sherpur, Police Station- Maner, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Helal Ahmad  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-07-2021                      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 a case registered under Sections-30(a)/36 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 350 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 350 litres wine is recovered from the bank of the river. The names of petitioners have transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. 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 and also the lockdown, 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, Patna in connection with Special Case No. 6593 of 2020 arising out of Maner P.S. Case No. 620 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)**

A.K.V.//-

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