

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28403 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- BIKRAM District- Patna

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1. SANJAY KUMAR @ SANJAY SINGH Son of Madan Singh Resident of Village - Arap, P.S.- Bikram, Distt.- Patna.
 2. ABHISHEK KUMAR Son of Sanjay Singh Resident of Village - Arap, P.S.- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

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 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.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in a



case registered under Sections 37(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 317.250 liters wine is recovered.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner No.2. The petitioner No.2 has falsely been implicated in this case. The name of the petitioner No.2 has transpired in this case as the alleged recovery is made from the joint house of the petitioner No.2 where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.2 in this case. It is alleged that 317.250 liters wine is recovered from the joint house of petitioner No.2. The petitioner No.2 had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner No.2. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner No.2, 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 his personal bond to the satisfaction of learned Special Judge, Excise, Patna in connection with Bikram P.S. case No.236 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)

Narendra/-

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