

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29523 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- BANIAPUR District- Saran

1. Rajesh Prasad, aged about 38 years, Male, Son Of Late Ramdeo Prasad, R/O Village- Aman Dhobi Tola (Amao Dhobi Tola), P.S.- Baniyapur, District- Saran.
2. Dinesh Prasad, aged about 40 years, Male, Son Of Mugal Prasad, R/O Village- Aman Dhobi Tola (Amao Dhobi Tola), P.S.- Baniyapur, District- Saran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Harish Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

The petitioners are apprehending their arrest in connection with Baniyapur P.S. Case No. 48/21 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 39 liters wine is recovered from the bank of the river.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that 39 liters wine is recovered from the bank of the river. The names of the petitioners have transpired in the present case on the basis of disclosure made by local residents. The names of the local residents, who have named the petitioners, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, in



connection with Baniyapur P.S. Case No. 48/21, 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) each 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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