

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33697 of 2021

Arising Out of PS. Case No.-634 Year-2020 Thana- DIGHA District- Patna

1. Tanushka Kumari Daughter Of Mr. Raj Kumar Sinha R/O Mohalla- Sardar Patel Colony, Kurji, P.S.- Digha, District- Patna.
2. Avakash Singh Son Of Mr. Raj Kumar Sinha R/O Mohalla- Sardar Patel Colony, Kurji, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-09-2021 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.

The petitioners are apprehending their arrest in connection with Digha P.S. case No.634 of 2020 registered under Sections 272, 273 of I.P.C. and Sections 37a, 37b, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 86.280 liters wine is recovered from the house of co-accused and 1.5 liters is recovered from the motorcycle.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has 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. It is alleged that 86.280 liters wine is recovered from the house of co-accused and 1.5 liters is recovered from the motorcycle. The petitioner No.1 is a lady. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned Special Judge, Excise, Patna



in connection with Digha P.S. case No.634 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 will 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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