

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35890 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

1. VIJAY SAHNI S/o Basudev Sahni R/o village- Ghataha Tol, P.S.- Ghanshyampur, District- Darbhanga
2. SANJAY MUKHIYA S/o Chaudhari Mukhiya R/o village- Dath, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr. Prem Kumar Jha,, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-10-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioners are apprehending their arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 423 liters wine is
recovered from different vehicles.

It has been submitted on behalf of the petitioners that
there is no allegation of tampering of witnesses alleged against



the petitioners. The names of the petitioner no. 1 has transpired on the basis of disclosure made by co-accused while the name of petitioner no. 2 has transpired as being owner of the motorcycle in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 423 liters wine is recovered from a Scorpio vehicle and motorcycle. The said motorcycle was given by petitioner No. 2 to his co-villager for his personal use. 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, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Darbhanga in connection with G.O. Case No. 1212 of 2020 arising out of



Ghanshyampur P.S. Case No. 257 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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