

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36599 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Raju Das, aged about 36 years (Male), S/O Vipat Chandra Das, R/O Village-Bashwariya, P.S. Muffasil, District-East Champaran, Motihari.
 2. Gobind Das, aged about 28 years, Gender-Male, S/O Late Raj Kumar Das, R/O Village-Bashwariya, P.S. Muffasil, District-East Champaran, Motihari.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate

For the Opposite Party : Mr. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 26-11-2021 The anticipatory bail application filed on behalf of petitioner no. 2, namely, Gobind Das, has already been dismissed as having become infructuous, vide order dated 03.11.2021, by another Co-ordinate Bench of this Court.

Learned counsel for the petitioner no. 1 is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner no. 1 and learned counsel for the State through Virtual mode.

Now, the petitioner no. 1 is apprehending his arrest in connection with Muffasil P.S. Case No. 118/2021 for the offence registered under Sections 30(a), 32 and 41(i) of the Bihar



Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 12 liters wine is recovered from different places and joint house of petitioner no. 1.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. It is alleged that total 12 liters wine is recovered. Out of which, 3 liters wine is said to have been recovered from the joint house of petitioner no. 1. Except for this, there is no other substantive evidence to suggest his implication in this case. Nothing incriminating has been recovered from his conscious possession. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 1 above named, (except petitioner no. 2, namely, Gobind Das) 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 118/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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