

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37638 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- TURKAULIYA District- East Champaran

1. Mithilesh Sahani @ Mithilesh Kumar Sahani S/O Mahendra Sahani Resident Of Village-Chachurahiya, P.S-Banjariya, District-East Champaran.
2. Virendra Sahani S/O Puran Sahani Resident Of Village-Chachurahiya, P.S-Banjariya, District-East Champaran.
3. Sukat Sahani @ Ramnath Sahani S/O Bhulawan Sahani Resident Of Village-Chachurahiya, P.S-Banjariya, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar
For the Opposite Party/s :	Mr.Md. Anbzarul Haque

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that altogether 245 liters wine is recovered.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioner no. 1 has transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioner no. 1, have not been disclosed by the prosecution. The name of petitioner no. 2 has been transpired as being owner of the orchard whereas name of petitioner no. 3 has been transpired as the recovery is made from the joint house of the petitioner no. 3 where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 65 liters wine is recovered from the bank of river, 60 liters wine is recovered from the orchard of petitioner no. 2 whereas 120 liters wine is recovered from the joint house of petitioner no. 3. 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, 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 their personal bonds to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 91 of 2021, 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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