

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38318 of 2021

Arising Out of PS. Case No.-330 Year-2019 Thana- MANER District- Patna

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1. BIRENDRA KUMAR @ BIRENDRA RAI S/O LATE RAM KRIPAL RAI
R/O MAULANIPUR, P.S.-MANER, DISTRICT-PATNA.
 2. GANESH RAI S/O BIRENDRA KUMAR @ BIRENDRA RAI R/O
MAULANIPUR, P.S.-MANER, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioners and the State
through virtual mode.

Learned counsel for the petitioners is directed to remove
the defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioners are apprehending their arrest in Spl. Case
No. 5938 of 2019 arising out of Maner P.S. Case No. 330 of 2019
registered for the offence under Sections-30 & 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 135 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 them. They have been falsely implicated in the present case. It is alleged that 135 litres wine is recovered from joint house of petitioners. 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 of the case, 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 Special Judge, Excise Act, Patna in connection with Spl. Case No. 5938 of 2019 arising out of Maner P.S. Case No. 330 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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