

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41901 of 2021

Arising Out of PS. Case No.-228 Year-2021 Thana- CHANPATIA District- West Champaran

1. KAMNI DEVI W/o Brajesh Baitha Resident of Village - Kumarbagh Chowk, P.S.- Kumarbagh, Distt.- West Champaran.
2. BRAJESH BIATHA Son of Chhotelal Baitha Resident of Village - Kumarbagh Chowk, P.S.- Kumarbagh, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioners and learned
APP for the State.

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 connection with Chanpatiya (Kumarbagh O.P.) P.S. case No.228/2021 registered under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8 liters wine is recovered.

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 as the alleged recovery is made from the shop belonging to the joint family of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that total 8 liters wine is recovered, out of which 6 liters wine is recovered from the shop belonging to the joint family of the petitioners. 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 are 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 2nd-cum-Special Judge, Bettiah, West



Champaran in connection with Chanpatiya (Kumarbagh O.P.)
P.S. case No.228/2021, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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