

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33731 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- RAGHOPUR District- Vaishali

1. Deepak Rai @ Deepak Kumar son of Late Asarfi Rai, Resident of village- Sukurmarpur, P.s.- Raghapur (Rustampur O.P.), Dist.- Vaishali.
2. Upendra Rai, son of Sagar Rai, Resident of village- Sukurmarpur, P.s.- Raghapur (Rustampur O.P.), Dist.- Vaishali.
3. Shankar Ray, son of Deena Nath Rai, Resident of village- Sukurmarpur, P.s.- Raghapur (Rustampur O.P.), Dist.- Vaishali.
4. Ganga Ray, Son of Bhullu Ray, Resident of village- Sukurmarpur, P.s.- Raghapur (Rustampur O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2021 Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 414/34 of I.P.C. and Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 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 names of the petitioners have come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 40 liters wine is recovered from the motorcycles in question. 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 six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali at Hajipur in



connection with Raghapur (Rustampur) P.S. case No.97 of 2020, 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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