

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44160 of 2021

Arising Out of PS. Case No.-225 Year-2021 Thana- MASHRAK District- Saran

1. Hemant Rai, (Male), aged about 25 years, Son of Late Paras Rai, Resident of Village - Chand Kudariya, P.S.- Mashrak, District - Saran.
2. Guddu Rai, (Male), aged about 23 years, Son of Late Paras Rai, Resident of Village - Chand Kudariya, P.S.- Mashrak, District - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : M/S. Abhishek Kumar and Mr. Ajit Kumar Singh,
Advocates

For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-10-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

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

The petitioners are apprehending their arrest in connection with Mashrak P.S. Case No. 225/2021 for the offence registered under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1600 liters spirit is recovered from the well situated on the land of the petitioner no. 1.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 1600 liters spirit is recovered from the well situated on the land of the petitioner no. 1. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 of the case, let 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) each with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with Mashrak P.S.



Case No. 225/2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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