

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33195 of 2020

Arising Out of PS. Case No.-162 Year-2020 Thana- MAIRWAN District- Siwan

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1. MUNNA GIRI Son of Kripanath Giri Resident of Village - Math Baulia, P.S.- Bankata, Dist.- Deoria. (U.P.)
 2. Mukti Giri Son of Kripanath Giri Resident of Village - Math Baulia, P.S.- Bankata, Dist.- Deoria. (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-02-2021 Heard learned counsel for the petitioners and learned APP
for the State.

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

The petitioners are apprehending their arrest in a case registered under Section-30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 221.85 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 transpired in this case on the basis of disclosure made by the co-accused Arjun Gupta. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 221.85 liters wine is recovered from the pick up Van. The pick up Van in question does not belong to the petitioner. 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Mairwa P.S. Case No. 162 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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