

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43320 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- BARHIYA District- Lakhisarai

1. Panjabi Mandal (M), aged about 65 years,, S/o- Late Baso Mandal, Resident of - Dariyapur, P.S. - Barahiya, District - Lakhisarai.
2. Rajnish Singh @ Asho Singh (M), aged about 45 years, S/o- Late Sudarshan Singh @ Shochan Singh, Resident of - Dariyapur, P.S. - Barahiya, District - Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Singh, Sr. Advocate and Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Tiwary, 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 Barahiya P.S. Case No. 293 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 3579.885 liters wine is recovered.

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 1241.145 liters wine is recovered from the joint house of the petitioner no. 1 and total 2338.740 liters wine is recovered from the Bathan belonging to joint family of petitioner no. 2. 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 Additional Sessions Judge-IIInd-cum-Special Judge, Excise, Lakhisarai, in connection with Barahiya P.S.



Case No. 293 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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