

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46983 of 2021**

Arising Out of PS. Case No.-178 Year-2021 Thana- AWTARNAGAR District- Saran

1. RAKESH KUMAR RAI @ RAKESH KUMAR Son of Tarkeshwar Rai Resident of Village - Panchpatiya, P.S. - Avtarnagar, District Saran at Chhapra.
2. VIKASH KUMAR RAI @ BIKASH RAI Son of Tarkeshwar Rai Resident of Village - Panchpatiya, P.S. - Avtarnagar, District Saran at Chhapra.
3. CHANDAN KUMAR @ CHANDAN KUMAR RAI Son of Tarkeshwar Rai Resident of Village - Panchpatiya, P.S. - Avtarnagar, District Saran at Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 15-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

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

The prosecution case, in short, is that 70 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 on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioners, have 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 70 liters wine is recovered from the Palani belonging to the joint family of petitioner no. 1. 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, let the petitioners, above named, in the event of arrest/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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in



connection with Awtarnagar P.S. Case No. 178 of 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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