

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38671 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- KESARIA District- East Champaran

1. PRAKASH KUMAR PATEL @ OM PRAKASH PATEL Son of Harilal Patel Resident of Village - Mangalpur Larwaniya, P.S.- Dumariyaghat, District - East Champaran.
2. Sunil Patel Son of Harilal Patel Resident of Village - Mangalpur Larwaniya, P.S.- Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, 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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 5.4 liters wine is recovered.

It has been submitted on behalf of the petitioners that 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 local Chowkidar. Except for this, there is no



other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 5.4 liters wine is recovered from a jute bag. 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 eight 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 -7th -cum- Special Judge, Excise, East Champaran at Motihari in connection with Kesariya P.S. Case No. 132 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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