

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49439 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- TARABARI District- Araria

1. SUNIL MANDAL Son of Shyam Dev Mandal Resident of Village - Dhamgajra, P.S.- Tarabari, Distt.- Araria.
2. Rupesh Mandal Son of Bijla Mandal Resident of Village - Kowachar, P.S.- Tarabari, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2021 Heard learned counsel for the petitioners and learned APP
for the State.

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

The petitioners are apprehending their arrest in connection with Tarabari P.S. case No.79/2021 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 42.500 liters wine is recovered.

It has been submitted on behalf of the petitioners that here is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. It is alleged that 42.500 liters wine is recovered from the motorcycle.



The petitioner No.1 is the owner of the motorcycle in question. The petitioner No.1 had given the motorcycle to the co-villager for his personal use. The petitioners had no knowledge regarding the nature of good kept in the motorcycle. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge, Araria in connection with Tarabari P.S. case No.79/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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