

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52908 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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1. Nitesh Raj Gupta @ Nishu Kumar Son Of Krit Chandra Gupta @ Krishnachandra Gupta R/O - Behind Of Namskar Hotel, P.S.- Madhubani Town, District- Madhubani
 2. Alek Kumar @ Alok Raj Purbey Son Of Hari Purbey R/O - Ward No.17, P.S.- Madhubani Town, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2021 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 272, 273, 34 of the Indian Penal Code
and 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 492.450 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 492.450 liters wine is recovered from the vehicles in question. The vehicles in question do not belong to the petitioners. 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 Additional Sessions Judge -II-cum- Special Judge, Excise Act, Madhubani in connection with Madhubani Town P.S. Case No. 86 of 2021,



corresponding to G.R. No. 466 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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