

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39282 of 2020

Arising Out of PS. Case No.-230 Year-2019 Thana- DIDARGANJ District- Patna

1. AJIT KUMAR Son of Anil Singh Bhulet Resident of Village- Jiwanchak, P.S.- Didarganj, Distt- Patna.
2. RAJESH KUMAR Son of Anil Singh @ Bhulet Resident of Village- Jiwanchak, P.S.- Didarganj, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choubey Jawahar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 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 Sections 272, 273, 308, 420/34 of the Indian Penal Code and 30(a), 32(1)(2)(3), 36 and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 985 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has 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 985 liters wine is recovered from the house of co-accused. 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 six 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 learned Chief Judicial Magistrate, Patna in connection with Didarganj P.S. Case No. 230/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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