

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41066 of 2020

Arising Out of PS. Case No.-336 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. Gautam Anand Son of Shyam Lal Kumar Resident of Village - Sonbarsa, Ward No.14, P.S.- Sonbarsa, Distt.- Sitamarhi.
 2. Md Bachche @ Bachche Son of Mohd. Mulajim Resident of Village - Khusaha @ Khusa, P.S.- Bela, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-04-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with C-2 Case no. 336 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., 1420 bottles Nepali Saufi wine being total quantity of 426 litres was recovered.

It is submitted by learned counsel for the petitioners that the allegation of recovery of 105 litres of wine from the petitioner no.1 and 102 litres of wine from the petitioner no.2 are false and concocted. No recovery has taken place. It is further submitted that a supplementary affidavit has been filed on behalf of the petitioners on 27.3.2021 explaining the error that has been committed in not mentioning about the



antecedents of the petitioners. The petitioners are in custody since 5.9.2020.

The application for bail is opposed by learned A.P.P. for the State.

By order dated 10.3.2021 a report with respect to the antecedent of the petitioners was called for from the Superintendent of Police, Sitamarhi and the same has been received. It was subsequent to the passing of the said order calling for the antecedent report, that the affidavit, as submitted by the learned counsel for the petitioners, has been filed stating about the error in not mentioning about the antecedents of the petitioners.

Having heard learned counsel for the parties and in view of the allegations in the F.I.R. together with the antecedent of the petitioners, this Court is not inclined to enlarge the petitioners on bail and the same is rejected.

The petitioners will be at liberty to renew their prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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