

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52491 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- PANDAUL District- Madhubani

1. Manoj Mukhiya Son Of Uttim Lal Mkhiya Alias Utim Mukhiya Resident Of Village- Pahi North Tola, P.S- Sarisab Pahi, Ps- Pandaul, Dist- Madhubani
2. Sanjit Gupta Son Of Jagdish Gupta Resident Of Village- Pahi North Tola, P.S- Sarisab Pahi, Ps- Pandaul, Dist- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Anant Kumar I, 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), 36 and 38(i) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 328.3 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 328.3 liters wine is recovered from by the road side. 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 Pandaul P.S. Case No. 161/2021



corresponding to G.R. No. 1360/2021, subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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