

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52947 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- TAJPUR District- Samastipur

1. Manish Kumar Kapar @ Manish Kumar Son Of Rajeshwar Kapar R/O Village- Gunai Banshi, P.S.- Tajpur, Dist.- Samastipur
2. Rajnish Kumar Son Of Rajeshwar Kapar R/O Village- Gunai Banshi, P.S.- Tajpur, Dist.- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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 permitted to make necessary correction in paragraph 3 of the application in course of the day.

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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 26.625 liters



wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired as the recovery is made from the joint house of the petitioners where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 26.625 liters wine is recovered from the joint house of 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.

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, Samastipur in connection with Tajpur P.S. Case No. 247 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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