

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3088 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. Rajkishor Giri, aged 45 years (Male), S/O Late Ram Bihari Giri, Resident Of Village- Baliwan Sagar, P.S. Bishwambharpur, District Gopalganj.
 2. Aftab Giri @ Amitab Giri, aged about 34 years (Male), S/O Rajkishor Giri, Resident Of Baliwan Sagar, Ps Biswambharpur District Gopalganj.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vishwajeet Kumar Mishra, Advocate.

For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-05-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 18 liters wine is said to have been recovered from the Baliwan Sagar Mathiya Chhath Asthan in abandoned state.

It has been submitted by learned counsel for the



petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 18 liters wine is recovered from the Baliwan Sagar Mathiya Chhath Asthan in abandoned state. The names of the petitioners have come in the present case on the basis of secret information. The source and genuineness of 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. 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 of the case and also the lockdown, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Gopalganj, in connection with Vishambhapur P.S. Case No. 81 of 2020, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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