

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1940 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SAKRA District- Muzaffarpur

1. Santosh Kumar @ Santosh Sahani, aged about 30 years (Male), Son of Budhan Sahani, Resident of Village- Sakra Mansurpur, P.S.- Sakara, District- Muzaffarpur.
2. Samsuddin @ Pukar, aged about 28 years (Male), Son of Md. Nijam, Resident of Village- Sakra Faridpur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Hari Kishore Thakur, Advocate.
For the Opposite Party	:	Mr. Manoj Kumar No. 1. A.P.P.

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 Act, 2016.

The prosecution story, in brief, is that total 142.89 liters wine is said to have been recovered from the car in question.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 142.89 liters wine is recovered from the car in question. The car in question does not belong to the petitioners. The names of the petitioners have come in the present case on the basis of disclosure made by local residents. The names of the 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. 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 Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 80 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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