

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6359 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- AURAI District- Muzaffarpur

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1. Ramdip Sahni Son Of Ram Bahadur Sahni Resident Of Village - Dakrama, P.S. - Hathauri, District - Muzaffarpur
 2. Lalan Sahni Son Of Sitai Sahni Resident Of Village - Bistha, P.S. - Aurai, District - Muzaffarpur
 3. Sitai Sahni Son Of Late Jagdeo Sahni Resident Of Village - Bistha, P.S. - Aurai, District - Muzaffarpur
 4. Chhilu Sahni Son Of Late Rajendra Sahni Resident Of Village - Bistha, P.S. - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Punam Shrivastava, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273/34 of I.P.C. and Sections 30(a), 56(k), 56(kh) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 145.125 liters

wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners No.3 and 4 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the 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. It is alleged that 145.125 liters wine is recovered from the Bolero car, which was parked by the side of the Bathan of co-accused, namely, Nageshwar Sahni. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 learned Special Judge, Excise Act, Muzaffarpur in connection with Aurai (Muzaffarpur) P.S. case No.68 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 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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