

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1888 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

1. SHOBHAKANT MANDAL @ SHOBHA MANDAL, aged about 40 years (Male), S/o Bisho Mandal, Resident of Vill/ Mohalla- Navtol, P.S.- Ghanshyampur, Distt- Darbhanga.
2. MAHAKANT MANDAL, aged about 38 years (Male), S/o Bisho Mandal, Residence of Vill/ Mohalla- Navtol, P.S.- Ghanshyampur, Distt- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Kedar Jha, Advocate.
For the Opposite Party	:	Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-08-2021 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 427 of the I.P.C. and Sections 30(a), 37(c) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 37.59 liters wine is recovered from the joint house and the Motorcycle belonging to co-accused.



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 37.59 liters wine is recovered from the joint house and the Motorcycle belonging to the co-accused. As far as petitioners are concerned, they are alleged to have rescued the accused persons. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. There is no recovery of liquor from possession of the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against 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 F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, 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 2nd Additional Sessions Judge-cum-Special Judge (Excise Act),



Darbhanga, in connection with G.O. Case No. 365/2020, arising out of Ghanshyampur P.S. Case No. 52 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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