

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4787 of 2021

Arising Out of PS. Case No.-733 Year-2019 Thana- TURKAULIYA District- East
Champaran

-
1. GUDDU SAHANI Son of Banti Sahani Resident of Village - Chailahakothi,
P.S. - Banjariya, District - East Champaran.
 2. LALAN SAHANI Son of Banti Sahani Resident of Village - Chailahakothi,
P.S. - Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. N.N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-03-2021 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.

Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.1, as
the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is
dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in a case



registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 65 liters wine is recovered.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner No.2. It is alleged that 65 liters wine is recovered from the motorcycle. The motorcycle in question does not belong to the petitioner No.2. Nothing incriminating has been recovered from the conscious possession of the petitioner No.2. The petitioner No.2 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 petitioner No.2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.2, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned IXth Additional District & Sessions Judge-cum-Special Judge,



Excise, East Champaran, Motihari in connection with
Turkauliya (Banjariya) P.S. case No.733 of 2019, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

