

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4098 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- BAGHA District- West Champaran

1. CHHOTU KUMAR RAI Son of Bikau Rai Resident of Village-Naraipur, P.S.-Bagaha (Patkhauli), District-West Champaran.
2. BIR KUMAR RAI Son of Late Tara Chand Rai @ Tara Rai Resident of Village-Naraipur, P.S.-Bagaha (Patkhauli), District-West Champaran.
3. DHANJAY KEWAT S/o GAURI SHANKAR KEWAT Resident of Village-Naraipur, P.S.-Bagaha (Patkhauli), District-West Champaran.
4. MANAGAR KEWAT Son of Lal Bachan Kewat Resident of Village-Naraipur, P.S.-Bagaha (Patkhauli), District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-04-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 266 liters wine is
recovered.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 266 liters wine is recovered from an orchard. 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, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran, Bettiah in connection with Bagaha (Patkhauri) P.S. Case No. 349 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

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