

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5219 of 2021

Arising Out of PS. Case No.-199 Year-2017 Thana- DIGHA District- Patna

1. BHANU PASWAN SON OF LATE ARJUN PASWAN Resident of Village - Gate No.92, Bijidpur, P.s.- Digha, Distt.- Patna.
2. GABBAR RAI SON OF JAGDISH PRASAD Resident of Village - Gate No.93, Bansh Koti Digha, P.s.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the petitioners and the State through virtual mode.

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

The petitioners are apprehending their arrest in a case registered under Sections-35(a) & 37(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.240 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 petitioners have been falsely implicated in the present case. The names of the petitioners transpired in this case on the basis of disclosure made by co-accused. It is alleged that out of 1.240 liters wine is recovered from house of the co-accused. 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.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest/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, Patna in connection with Special Case No. 4136 of 2017 arising out of Digha P.S. Case No. 199 of 2017, 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) 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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