

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5968 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- BODHGAYA District- Gaya

1. CHANDAN @ CHNDAN KUMAR Son of Krishna Prasad Resident of Village-Chaorai, Ekangarsarai, P.S.-Ekangarsarai, District-Nalanda.
2. Santu Kumar Son of Jitendra Kumar REsident of Village-Dalelchak Bhindaspur, P.S.-Belaganj, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 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-272, 273/34 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 1179 liters Jawa Mahua is recovered.

It has been submitted on behalf of the petitioners that



petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 1179 litres wine is recovered from the Tata Magic. The petitioner No. 2 is said to be owner of the Tata Magic in question. The said vehicle is run as public carrier. The petitioner No. 2 had no knowledge regarding the goods, booked by the transporter. The name of petitioner No. 1 has transpired in this case on the basis of disclosure made by co-accused. 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 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, Gaya in connection with Bodhgaya P.S. Case No. 210 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) 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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