

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8313 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. VIJAY RAI S/o Lalit Rai R/o Village- Akolabad, P.S.- Hajipur Sadar, Distt- Vaishali.
2. Jia Lal Rai S/o Yadu Nath Rai R/o Village- Akilabad, P.S.- Hajipur Sadar, Distt- Vaishali.
3. Harelal Rai @ Hira Lal Rai S/o- Late Brahmadeo Rai R/o Village- Akilabad, P.S.- Hajipur Sadar, Distt- Vaishali.
4. Madan Rai S/o Jang Bahadur Rai R/o Village- Akilabad, P.S.- Hajipur Sadar, Distt- Vaishali.
5. Pappu Rai S/o Late Baidyanath Rai R/o Village- Akilabad, P.S.- Hajipur Sadar, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
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.

At the outset, counsel for the petitioners seeks permission
to withdraw this application with regard to petitioner No. 3,
namely Harelal Rai @ Hira Lal Rai as during pendency of this
application, he has been taken into judicial custody.



Permission is granted.

Accordingly, this application with regard to petitioner No. 3, namely Harelal Rai @ Hira Lal Rai is dismissed as withdrawn.

The petitioner Nos. 1, 2, 4 & 5 are apprehending their arrest in a case registered under Section-30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 60 liters Jawa Mahua is recovered.

It has been submitted on behalf of the petitioner Nos. 1, 2, 4 & 5 that they 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 60 litres wine is recovered from an open place near the river. The names of the petitioner Nos. 1, 2, 4 & 5 have transpired in this case on the basis of disclosure made by secret information. The source of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner Nos. 1, 2, 4 & 5 in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner Nos. 1, 2, 4 & 5. The petitioner Nos.



1, 2, 4 & 5 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 Nos. 1, 2, 4 & 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances
of the case and also the lockdown, let the petitioner Nos. 1, 2, 4
& 5 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 Additional Sessions Judge-II-cum-
Special Judge, Excise Act, Vaishali at Hajipur in connection
with Excise Case No. 07 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 petitioner Nos. 1,
2, 4 & 5 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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