

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7558 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. RAJU SAHANI Son of Sri Chandra Sahani Resident of Village - Gayghat, P.S. - Harsidhi, District - East Champaran.
 2. RAKESH SAHANI Son of Sri Chandra Sahani Resident of Village - Gayghat, P.S. - Harsidhi, District - East Champaran.
 3. ANIL SAHANI Son of Sri Chandra Sahani Resident of Village - Gayghat, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 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-30(a) and 41(1) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 635 liters spirit and 20 litres 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 have transpired in this case on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. It is alleged that 635 liters of spirit and 20 litres wine is recovered from joint house of the petitioners. 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 Additional Sessions Judge-13th-cum-Special Judge, Excise Act, Motihari, East Champaran in connection with Excise Case No. 291 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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