

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61820 of 2021

Arising Out of PS. Case No.-206 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. DAYALI PASWAN Son of Late Kanchh Paswan Resident of Village Ekdari, P.S. Chhauradno, District - East Champaran, Motihari.
 2. Dharmendra Kumar Son of Dayali Paswan Resident of Village Ekdari, P.S. Chhauradno, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr. Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner no. 2 is apprehending his arrest in a



case registered under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that altogether 30 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The name of the petitioner no. 2 has transpired as the recovery is made from the Gumti belonging to joint family of petitioner no. 2. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 2 in this case. It is alleged that 30 liters wine is recovered out of which 300 ml. wine is recovered from the co-accused and 29 liters wine is recovered from the Gumti of petitioner no. 2. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 2. The petitioner no. 2 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 no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran at Motihari in connection with Chhauradano P.S. Case No. 206/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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