

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8363 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- PARSABAZAR District- Patna

1. RAUSHAN KUMAR @ SURAJ KUMAR @ SURAJ SON OF UMESH RAY R/O VILL.- YADAVCHAK, P.S.- PARSA BAJAR, DIST.- PATNA
2. MANTU KUMAR SON OF BUALI RAY R/O AITWARPUR, P.S.- PARSA BAJAR, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

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 Section-30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 45 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 45 litres wine is recovered from the motorcycle. The motorcycle, in question, does not belong to the petitioners. The names of the petitioners have transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. 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 Act, Patna in connection with Parsa Bazar P.S. Case No. 258 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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