

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11759 of 2021**

Arising Out of PS. Case No.-173 Year-2020 Thana- DORIGANJ District- Saran

1. Birendra Rai @ Bajrangi Rai, aged about 62 years, Gender-Male, Son of Late Chandrika Rai, Resident of Village - Baluan, Bichala Tola, P.S. - Doriganj, District - Saran at Chapra.
2. Manister Rai, aged about 60 years, Gender-Male, Son of Chandrika Rai, Son-in-law of Parma Rai, Resident of Village - Kewatiyan, P.S. - Dariyapur, District - Saran at Chapra.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dewendra Narayan Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Manister Rai, as he has been taken into judicial custody in connection with Doriganj P.S. Case No. 173 of 2020, pending in the court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra.

Permission is accorded.



Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, Manister Rai, is dismissed as withdrawn.

Now the petitioner no. 1 is apprehending his arrest in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that altogether total 110 liters wine is said to have been recovered from the bank of the river.

It has been submitted by learned counsel for the petitioner no. 1 that he has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. It is alleged that altogether total 110 liters wine is recovered from the bank of the river. His name has transpired in the present case on the basis of disclosure made by the local residents. The names of the local residents, who have named the petitioner no. 1, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest his implication in this case. Nothing incriminating has been recovered from his conscious possession. He 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. 1 is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner no. 1 above named (except petitioner no. 2, Manister Rai), in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with Doriganj P.S. Case No. 173 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 no. 1 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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