

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69513 of 2021

Arising Out of PS. Case No.-356 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. VINAY SAHNI Son of Suresh Sahni Resident of Village- Ajgarwa, P.S.-
Lakhaura, District- East Champaran.
 2. JAY KUMAR SAHNI Son of Shiv Nath Sahni Resident of Village-
Ajgarwa, P.S.- Lakhaura, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Pandey

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 23-12-2021 Heard learned counsel for the petitioners and the
State.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The petitioners are apprehending their arrest in
connection with Mufassil (Lakhaura) P.S. Case No. 356 of 2021
registered for the offence under Sections-30(a), 32 & 41(1) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 50 liters 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 them. They have been falsely implicated in the present case. It is alleged that 50 litres wine is recovered from a place situated 100 metres away from house of the co-accused. The names of the petitioners have transpired in this case on the basis of secret information. 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, 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 furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Motihari, East Champaran in connection



with Mufassil (Lakhaura) P.S. Case No. 356 of 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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