

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70321 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. KUNDAN KUMAR Son of Chandeshwar Rai Resident of village - Bhairampur, P.S.- Bidupur, District - Vaishali
2. Chandan Kumar @ Chandan Kumar Singh Son of Chandeshwar Rai Resident of Village - Bhairampur, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Veena Rani Prasad

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 Rajapakar (Baranti O.P.) P.S. Case No. 208 of 2021 registered for the offence under Section-414/34 of the Indian Penal Code and Section-30(a), 36/41(i) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 4605.84 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 4605.84 litres wine is recovered from a truck and other vehicles. None of the vehicle belongs to the petitioners. 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, Vaishali at Hajipur in connection with Rajapakar (Baranti O.P.) P.S. Case No. 208 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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