

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7471 of 2022

Arising Out of PS. Case No.-538 Year-2021 Thana- SUGAULI District- East Champaran

1. Dharmendra Sahani, aged about 30 years (Male), Son of Awadh Sahni, Resident of Village - Godigawa, P.S.- Sugauli, Distt.- East Champaran.
2. Dipak Sahani, aged about 28 years (Male), Son of Awadh Sahani, Resident of Village - Godigawa, P.S.- Sugauli, Distt.- East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Sugaili (Sugauli) P.S. Case No. 538 of 2021 for the offence registered under Sections 30(a), (b) (c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 500 liters *Mahua (Pash)* is recovered from the back side of the hut in question for making liquor.



It has been submitted by learned counsel for the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that 500 liters *Mahua Mitha (Pash)* is recovered from the back side of the hut. The hut in question does not belong to the petitioners. The names of the petitioners have transpired in the present case on the basis of disclosure made by local *Chaukidar*. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Exclusive Special Excise Judge-1, East Champaran, Motihari, in connection with Sugaili (Sugauli) P.S. Case No. 538 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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