

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20498 of 2022

Arising Out of PS. Case No.-523 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. Ram Lakhan Sah Son Of Late Munsi Sah R/O Village- Yadav Nagar Ward No.-01, P.S.- Sitamarhi, District- Sitamarhi
2. Harendra Kumar Son Of Ram Lakhan Sah R/O Village- Yadav Nagar Ward No.-01, P.S.- Sitamarhi, District- Sitamarhi
3. Manejar Sah @ Bhanar Sah @ Mejar Sah Son Of Ram Lakhan Sah R/O Village- Yadav Nagar Ward No.-01, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioners and learned
APP 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 a case registered under Sections 414, 120(B) of the Indian Penal Code and 30(A), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 647.535 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 the petitioners. It is alleged that 647.535 liters wine is recovered from the ambulance and house of co-accused. The names of the petitioners have transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioners, have not been disclosed by the prosecution. 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. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

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, 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 Exclusive Special Excise Court-II, Sitamarhi in connection with Sitamarhi P.S. Case No. 523 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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