

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23685 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. SHYAMDEO SAHNI Son of Godhan Sahni Resident of Village - Bankajua, P.S.- Bhagwanpur Hat, District - Siwan.
2. Shamma Sahni @ Shama Sahni Son of Godhan Sahni Resident of Village - Bankajua, P.S.- Bhagwanpur Hat, District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-05-2022 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 four weeks.

The petitioners are apprehending their arrest in connection with Bhagwanpur Hat P.S. Case No. 20 of 2022 registered for the offence under Sections-30(a) & 41(1) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 10 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 10 litres wine is recovered by the side of the canal. The names of the petitioners have transpired in this case on the basis of disclosure made by local



chowkidar. 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. Learned counsel for the petitioners has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari vs State of Bihar).

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 Exclusive Special Judge, Excise, Court No. 1, Siwan in connection with Bhagwanpur Hat P.S. Case No. 20 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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