

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53380 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- RAGHOPUR District- Vaishali

1. PAPPU RAI @ RAMASHANKAR RAI Son of Sitab Rai @ Maujilal Rai @ Sitablal Rai @ Maujlal Ray Resident of Village- Litiyahi, P.S.- Raghapur (Rustampur O.P.), District- Vaishali.
2. Sohag Rai @ Suhag Rai Son of Shyambahadur Rai Resident of Village- Litiyahi, P.S.- Raghapur (Rustampur O.P.), District- Vaishali.
3. Ram Aasre Rai Son of Late Kailash Rai Resident of Village- Litiyahi, P.S.- Raghapur (Rustampur O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

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

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in connection with Raghapur (Rustampur O.P.) P.S. Case No. 124 of 2020 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The prosecution case, in short, is that 2409.715 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. The petitioners have been falsely implicated in the present case. It is alleged that out of 2409.715 litres, 195.750 litres wine is recovered from the Bathan belonging to joint family of petitioner No. 2 and 118.5 litres wine is said to have been recovered from a Palani belonging to joint family of petitioner No. 1. The petitioner Nos. 1 & 2 deny the ownership of the Bathan and the Palani. 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 Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, 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 their personal bond to the satisfaction of learned Additional Sessions Judge-II, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S. Case No. 124 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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