

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7061 of 2021

Arising Out of PS. Case No.-375 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. Mukesh Sahni S/O Manager Sahni R/O Village Jaysinghpur Bhaisara, Ps
Turkauliya, District-East Champaran, Motihari.
 2. Manager Sahni S/O Late Kailash Sahni R/O Village Jaysinghpur Bhaisara,
Ps Turkauliya, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2022 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.

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 defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in
connection with Turkauliya P.S. case No.375 of 2020 registered
under Sections 272, 273/34 of I.P.C. and Sections 30(a) of the



Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 29.300 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. It is alleged that 29.300 liters wine is recovered from the shop belonging to the joint family of petitioner No.1. The petitioner No.2 is father of petitioner No.1. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 facts and circumstances, 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 VIIth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Turkauliya P.S. case No.375 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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