

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.590 of 2022

Arising Out of PS. Case No.-13 Year-2020 Thana- BHAGWANPUR District- Vaishali

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1. Sanjiv Kumar, (Male), aged about 30 years, Son of Sh. Ravindra Singh @ Ravindra Prasad Singh, R/o village - Jagdish Kamtaul, P.S.- Kudhani, District - Muzaffarpur.
 2. Sachin Kumar, (M), aged about 26 years, Son of Ratnesh Prasad Singh @ Ratneshwar Prasad Singh, R/o village - Jagdish Kamtaul, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Namrata Mishra, Advocate
For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-02-2022 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 A.P.P. 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 after restoration of normalcy.

The petitioners are apprehending their arrest in



connection with Bhagwanpur P.S. Case No. 13/2020, CNR No. BRVA010006822020, for the offence registered under Section 414 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 3336.645 liters wine is recovered from the Truck in question.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 3336.645 liters wine is recovered from the Truck in question. The petitioners are not the owners of the Truck in question. The names of the petitioners have transpired in the present case merely on the basis of secret information. The source and genuineness of secret information has 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.

On behalf of the State, it is submitted that the



petitioners are named in the F.I.R/ Complaint Case.

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, 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 their personal bonds to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Court, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 13/2020, 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) each 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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