

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.813 of 2022**

Arising Out of PS. Case No.-444 Year-2021 Thana- JAGDISHPUR District- Bhojpur

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1. Ramendra Kumar, (Male), aged about 26 years, Son of Bhola Singh, Resident of Village- Ujiarpur Tola, P.S.- Jagdishpur, District- Bhojpur.
  2. Arun Kumar, (Male), aged 27 years, Son of Rangila Singh, Resident of Village- Ujiarpur Tola, P.S.- Jagdishpur, District- Bhojpur.
  3. Santosh Kumar (Male), aged about 29 years, Son of Rangila Singh, Resident of Village- Ujiarpur Tola, P.S.- Jagdishpur, District- Bhojpur.
  4. Munna Singh (Male), aged about 35 years, Son of Jagdish Singh Resident of Village- Ashan Tola, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mrs. Malti Kumari, Advocate  
For the Opposite Party : Mrs. Veena Kumari Jaiswal, A.P.P.

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**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 Jagdishpur P.S. Case No. 444 of 2021, for the offence registered under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 10 liters wine from the co-accused and 110 liters wine is recovered from three different *Bhattis* situated by the side of the river.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They 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 10 liters wine from the co-accused and 110 liters wine is recovered from three different *Bhattis* situated by the side of the river. The names of the petitioners have transpired in the present case on the basis of disclosure made by local *Chaukidar*. 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 IVth Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara, in connection with Jagdishpur P.S. Case No. 444 of 2021, 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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