

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2112 of 2022

Arising Out of PS. Case No.-449 Year-2020 Thana- TARAIYA District- Saran

1. BIKASH RAI @ VIKESH KUMAR RAI Son of Jagarnath Rai Resident of Village- Chakiya Lauwa, P.S.- Taraiya, District- Saran (Chapra)
2. Sonu Rai @ Sonu Kumar Ray Son of Lal Babu Rai Resident of Village- Mukundpur, P.S.- Taraiya, District- Saran (Chapra).
3. Gorakh @ Gorakh Ram @ Gorakh Manjhi Son of Shiv Ratan Ram Resident of Village- Chainpur, P.S.- Taraiya, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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 APP 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 a case registered under Section 30(a) of the Bihar Prohibition and



Excise Act, 2016.

The prosecution case, in short, is that 1600 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 names of the petitioners have transpired on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1600 liters wine is recovered from a pick up van. 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.

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 learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran, Chapra in connection with Taraiya P.S. Case No. 449 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) 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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