

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68760 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- BIRAUL District- Darbhanga

1. NITISH KUMAR YADAV Son of Ram Bhagat Yadav Resident of Village- khutahi, Police Station- Biraul, District- Darbhanga.
2. Manoj Kumar Yadav Son of Ram Prit Yadav Resident of Village- Khutahi, Police Station- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered under Sections 272 & 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 3578 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 as the alleged recovery is said to have been made from joint house of the petitioners where other family members also reside. Except for this, there is no other substantive



evidence to suggest the implication of the petitioners in this case. It is alleged that 3578 liters wine is recovered from joint house of the petitioners. 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.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Darbhanga in connection with Biraul P.S. Case No. 218 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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