

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26516 of 2020

Arising Out of PS. Case No.-558 Year-2019 Thana- AKBARPUR District- Nawada

1. Birendra Chaudhary, (Male), aged about 25 years, Son of Chhote Lal Choudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, District – Nawada.
2. Dipu Chaudhary, (Male), aged about 33 years, Son of Natwar Chaudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, District – Nawada.
3. Vikash Chaudhary, (Male), aged about 26 years, Son of Parmeshwar Chaudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, District – Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Niraj Kumar, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-11-2020 Due to 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.

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.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Section 30(a) of the Bihar



Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 50 liters Mahua wine is said to have been recovered from co-accused Kamlesh Choudhary.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 50 liters Mahua wine is recovered from co-accused Kamlesh Choudhary. The names of the petitioners have come in the present case 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. 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 of the case, 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 furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District & Sessions Judge-cum-Special Judge, Nawada, in connection with P.S. Case No. 558/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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