

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18275 of 2021

Arising Out of PS. Case No.-289 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

1. SHANKAR CHAUDHARY Son of Sri Chhathu Chaudhary Resident of Village - Bhagwanpur Hat, P.S.- Bhagwanpur Hat , Distt.- Siwan.
2. Prabhu Chaudhary @ Prabhu Shankar Choudhary Son of Sri Chhathu Chaudhary Resident of Village - Bhagwanpur Hat, P.S.- Bhagwanpur Hat , Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1 as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in a



case registered under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that 3.060 liters wine is recovered from the joint house of the petitioner No.2.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner No.2 . The petitioner has falsely been implicated in this case. The name of the petitioner has transpired as the alleged recovery is made from the joint house of the petitioner No.2 where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.2 in this case. It is alleged that 3.060 liters wine is recovered from the joint house of the petitioner No.2. Nothing incriminating has been recovered from the conscious possession of the petitioner No.2. The petitioner No.2 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 petitioner No.2 is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.2, above named, in the event of



arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. case No.289 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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