

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20380 of 2021

Arising Out of PS. Case No.-148 Year-2019 Thana- RAGHUNATHPUR District- Siwan

1. Dasrath Chaudhary @ Dasrath Yadav Son Of Ramnath Choudhary @ Ramnath Yadav R/O Village- Daya Chapra, P.S.- Raghunathpur, District- Siwan.
2. Shriniwas Yadav Son Of Satan Yadav R/O Village- Daya Chapra, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2021 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 from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 682.560 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no

allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 682.560 liters wine is recovered from the motorcycles. The motorcycles in question do not belong to the petitioners. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 their personal bond to the satisfaction of learned Additional Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Raghunathpur P.S. case

No.148 of 2019, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will
furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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