

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24552 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- JADOPUR District- Gopalganj

1. SHRI BHAGWAN @ BHAGWAN YADAV S/o Late Vishwanath @ Bishwanath Yadav R/o village- Bhagwanpur, P.S.- Nautan, District- West Champaran
2. DIPU KUMAR S/o Kishan Yadav R/o village- Bhagwanpur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners seeks permission
of the Court to withdraw this application in respect of petitioner
no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of
petitioner no. 2.

Learned counsel for the petitioner no. 1 is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner no. 1 is apprehending his arrest in a case



registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 219 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 1 that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The name of the petitioner has transpired on the basis of disclosure made by the local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 1 in this case. It is alleged that 219 liters wine is recovered from the bank of a river along with one motorcycle. The motorcycle in question does not belong to the petitioner no. 1. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 1. The petitioner no. 1 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. 1 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioner no. 1, 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 his personal bond to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj in connection with Yadavpur alias Yadopur alias Jadopur P.S. Case No. 26/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 1 shall 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)

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