

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25717 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- PHULWARIYA District- Gopalganj

1. AJIT YADAV @ AJIT KUMAR SON OF GORAKH YADAV RESIDENT OF VILLAGE- PHULWARIYA, P.S.- PHULWARIYA, DISTRICT- GOPALGANJ BIHAR
2. MRITUNJAY KUMAR @ VIKASH KUMAR SON OF RAJAN YADAV RESIDENT OF VILLAGE- PHULWARIYA, P.S.- PHULWARIYA, DISTRICT- GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections-30(A), 32(2) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 17 liters Jawa Mahua 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 petitioners have been falsely implicated in the present case. It is alleged that 17 litres wine is recovered from a



motorcycle. The said motorcycle does not belong to the petitioners. The petitioners' name has transpired in this case as the police party claims to have identified them. The petitioners were not known to the police party. Hence identification of the petitioners made by the police apparently appears to be false. 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 and also the lockdown, let the petitioners, 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 their personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj in connection with Phulwariya P.S. Case No. 134 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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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