

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31747 of 2021

Arising Out of PS. Case No.-598 Year-2020 Thana- SONEPUR District- Saran

1. RAJESH KUMAR S/O RAMESH RAI VILLAGE SABBALPUR, PACHİYARI TOLA, P.S SONEPUR, SARAN
2. RAMESH KUMAR S/O UJJAGAR KUMAR VILLAGE SABBALPUR, PACHİYARI TOLA, P.S SONEPUR, SARAN
3. SUDHIR KUMAR @ KARI @ SUDHIR KUMAR S/O LAL BABU RAI VILLAGE SABBALPUR, PACHİYARI TOLA, P.S SONEPUR, SARAN
4. DHARMENDRA KUMAR S/O HARI SHANKAR RAI VILLAGE SABBALPUR, PACHİYARI TOLA, P.S SONEPUR, SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2021 Heard learned counsel for the petitioners and the State.

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

Counsel for the petitioners submits that inadvertently, in the first paragraph of the main application, “*Patori P.S. Case No. 598 of 2020*” has wrongly been typed in place of “*Sonepur P.S. Case No. 598 of 2020*”. Hence, he prays for correction in the first paragraph.

Let “*Patori P.S. Case No. 598 of 2020*” mentioned in the first paragraph of the main application be read as “*Sonepur P.S.*”



Case No. 598 of 2020”.

Further, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 namely Ramesh Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 namely Ramesh Kumar is dismissed as withdrawn.

The petitioner Nos. 1, 3 & 4 are apprehending their arrest in Sonapur P.S. Case No. 598 of 2020 registered for the offence under Sections-272 & 273 of the Indian Penal Code and Sections-30(a), 38, 41, 47 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 596.16 liters wine is recovered.

It has been submitted on behalf of the petitioner Nos. 1, 3 & 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 596.16 litres wine is recovered from the car. The petitioners are not owners of the car, in question. The names of the petitioner Nos. 1, 3 & 4 have transpired in this case on the basis of disclosure made by chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner Nos. 1, 3 & 4 in the present case. Nothing incriminating has been recovered from the conscious



possession of the petitioner Nos. 1, 3 & 4. The petitioner Nos. 1, 3 & 4 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 Nos. 1, 3 & 4 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner Nos. 1, 3 & 4 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 furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saran in connection with Sonapur P.S. Case No. 598 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		P	
---	--	---	--

