

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35198 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- FATUA District- Patna

1. RAM DAYAL @ AJAY KUMAR Son of Late Madan Das Resident of Village - Maksudanpur, P.S.- Fatuha, Dist.- Patna.
2. Shiv Dayal Das Son of Late Madan Das Resident of Village - Maksudanpur, P.S.- Fatuha, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2021 Heard learned counsel for the petitioners and learned
APP for the State.

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The application is dismissed as withdrawn in respect of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
eight weeks.

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 107.375 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that 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 No. 1 has transpired as the recovery is made from the joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 107.375 liters wine is recovered from joint house of 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.

Considering the aforesaid facts and circumstances, let 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 170/2021, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

