

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33608 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

1. BASUDEO YADAV S/o Baijnath Yadav Resident of Village- Ishri Par, P.S.- Muffasil, District- Nawada.
2. Gore Yadav @ Gora Yadav @ Satish Kumar S/o Mahavir Yadav Resident of Village- Ishri Par, P.S.- Muffasil, District- Nawada.
3. Santosh Kumar S/o Mahavir Yadav Resident of Village- Ishri Par, P.S.- Muffasil, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-09-2021 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 as the petitioner no. 2
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The application is dismissed as withdrawn in respect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 Nos. 1 and 3 is
directed to remove the defects, as pointed out by the Office,
within a period of four weeks after restoration of normalcy.



The petitioner Nos. 1 and 3 are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 82 liters wine is recovered.

It has been submitted on behalf of the petitioner Nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 1 and 3. The names of the petitioner Nos. 1 and 3 have come 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 82 liters wine is recovered from four *Bhatti* at different places. 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 petitioner Nos. 1 and 3 are named in the F.I.R..

Considering the aforesaid facts and circumstances, the petitioner Nos. 1 and 3, 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 bonds to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Nawada in connection with Muffasil P.S. Case No. 171/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 1 and 3 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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