

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41854 of 2021

Arising Out of PS. Case No.-261 Year-2021 Thana- BARHARA District- Bhojpur

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1. TEJ PRATAP YADAV S/O JAGDISH YADAV R/O VILLAGE-BABHANGAWAN, P.S.-KRISHNAGARH, DISTRICT-BHOJPUR
 2. DHANJI YADAV S/O JAGDISH YADAV R/O VILLAGE-BABHANGAWAN, P.S.-KRISHNAGARH, DISTRICT-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-10-2021

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.

The petitioners are apprehending their arrest in Barhara/Krishngarh P.S. Case No. 261 of 2021 registered for the offence under Sections-30(a) & 36 of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 70 liters wine 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 them. They have been falsely implicated in the present case. It is alleged that 70 litres wine is recovered from the motorcycle. The motorcycle does not belong to



the petitioners. The names of the petitioners have transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. 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, 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 furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Bhojpur at Ara in connection with Barhara/Krishngarh P.S. Case No. 261 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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