

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33172 of 2020

Arising Out of PS. Case No.-385 Year-2020 Thana- MOTIHARI MUFASIL District- East Champaran

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1. DINESH YADAV Son of Narayan Yadav Resident of Village- Rangu Tola, P.S.- Lakhaura, District- East Champaran
 2. Raju Yadav Son of Sabhapati Yadav @ Sabhapati Kumar Resident of Village- Rangu Tola, P.S.- Lakhaura, District- East Champaran
 3. Ramesh Yadav Son of Late Anu Yadav Resident of Village- Rangu Tola, P.S.- Lakhaura, District- East Champaran
 4. Sitaram Sah Son of Shankar Sah Resident of Village- Narkatiya Bajar, P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-02-2021 Heard learned counsel for the petitioners and learned APP
for the State.

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

The petitioners are apprehending their arrest in a case registered under Sections 272 & 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 100 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 the petitioners. The names of



the petitioners have transpired in this case on the basis of disclosure made by the local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 100 liters wine is recovered in this 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, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six 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 Additional Sessions Judge-VII-cum-Special Judge, Excise Act, Motihari, East Champaran in connection with Mufassil (Lakhaura) P.S. Case No. 385 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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