

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7561 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. SUNIL YADAV Son of Karu Yadav Resident of Village- Chilongiya, P.S.- Nawada (Kadirganj O.P.), District- Nawada.
 2. Shailendra Yadav Son of Lakhan Yadav Resident of Village- Chilongiya, P.S.- Nawada (Kadirganj O.P.), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-05-2021 Heard learned counsel for the petitioners and the State through virtual mode.

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

The petitioners 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 41.28 liters foreign liquor, 80 litres country made liquor and 2 litres of beer 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 petitioners have been falsely implicated in the present case. The names of the petitioners have transpired in this case on the basis of disclosure made by the local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 41.28 liters foreign liquor, 80 litres country made liquor and 2 litres of beer is recovered from the Khalihan, in question. The Khalihan, in question does not belong to the petitioners. 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 and also the lockdown, 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 their personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise



Act, Nawada in connection with G.O. Case No. 75 of 2019
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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