

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35240 of 2020

Arising Out of PS. Case No.-90 Year-2017 Thana- KURSAKANTA District- Araria

1. Chandan Yadav Son of Baidyanath Yadav Resident of Village-Maal Parasi, P.S.-Kursakanta (Sonamani Gudam), Dist-Araria.
2. Mukesh Yadav @ Arvind Yadav Son of Ramanand Yadav Resident of Village-Maal Parasi, P.S.-Kursakanta (Sonamani Gudam), Dist-Araria.
3. Poshan Yadav @ Pitamber Yadav Son of Laxmi Yadav Resident of Village-Maal Parasi, P.S.-Kursakanta (Sonamani Gudam), Dist-Araria.
4. Jehta Yadav @ Jantu Kumar Yadav Son of Supak Lal Yadav Resident of Village-Maal Parasi, P.S.-Kursakanta (Sonamani Gudam), Dist-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

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 162 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 on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 162 liters wine is recovered from the hut in question. The hut in question does not belong to the petitioner. 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./complaint case.

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 2nd Additional Sessions Judge -cum- Special Judge, Araria in connection with Kursakanta (Sonamani Gudam) P.S. Case No. 90 of 2017



corresponding to Special Case No. 1497 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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