

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37087 of 2020

Arising Out of PS. Case No.-268 Year-2020 Thana- NAUTAN District- West Champaran

1. Jai Prakash Kumar, aged about 20 years (M), Son of Subhash Prasad @ Subash Prasad, Resident of Village- Balua Rampurwa, P.S.- Bairiya, District- West Champaran.
2. Durgesh Kumar, aged about 21 years (M), Son of Lal Bahadur Prasad, Resident of Village- Gahiri Ward No.10, P.S.- Nautan, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sachida Nand Rai, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no.1, namely, Jai Prakash Kumar, as he has been taken into judicial custody in connection with Nautan Jagdishpur P.S. Case No. 268 of 2020, pending in the court of learned Special Judge, Excise, Bettiah, West Champaran.

Permission is accorded.



Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Jai Prakash Kumar, is dismissed as withdrawn.

Now, the petitioner no. 2 is apprehending his arrest in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 9 liters wine is said to have been recovered by the side of the road.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. It is alleged that total 9 liters wine is recovered by the side of the road. Except for this, there is no other substantive evidence to suggest his implication in this case. Nothing incriminating has been recovered from his conscious possession. He 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 no. 2 is named in the F.I.R./Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 2 above named (except petitioner



no. 1 Jai Prakash Kumar), in the event of arrest or 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/-(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan Jagdishpur P.S. Case No. 268 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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