

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49991 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- SAHPUR District- Bhojpur

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1. KUNJ BIHARI YADAV S/o LATE ANANT YADAV R/o VILLAGE-LAGANTOLA, P.S-SAHPUR, DISTRICT-BHOJPUR
 2. NARVIR YADAV S/o OM PRAKASH YADAV @ BANKA R/o VILLAGE-CHHOTKI SHAHJOLI, P.S-SAHPUR, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely Kunj Bihari Yadav as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely Kunj Bihari Yadav is dismissed as withdrawn.

The petitioner No. 2 is apprehending his arrest in a case registered for the offence under Section-30(a) of the Bihar



Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 120 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. It is alleged that 120 litres wine is recovered by side of the road. The name of the petitioner No. 2 has 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 petitioner No. 2 in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 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.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 2 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 Additional Sessions Judge-IV-cum-Special Judge, Excise Act,



Bhojpur, Ara in connection with Excise Case No. 753 of 2020 arising out of Shahpur P.S. Case No. 153 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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