

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40830 of 2020

Arising Out of PS. Case No.-184 Year-2020 Thana- DARAUNDA District- Siwan

1. Ajay Singh, Male, aged about 35 years, S/o Late Jagdeep Singh, Resident of Vill.- Baidapur, P.S.- Daraunda, District- Siwan.
2. Munchun Singh, Male, aged about 30 years, S/o Ram Kripal Singh, Resident of Vill.- Baidapur, P.S.- Daraunda, Distt.- Siwan.
3. Anant Singh, Male, aged about 28 years, S/o Ashok Singh Resident of Vill.- Baidapur, P.S.- Daraunda, Distt.- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Raghav Prasad, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2021 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. 2, namely, Munchun Singh, as he has already been taken into judicial custody in connection with Daraunda P.S. Case No. 184 of 2020, pending in the court of learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise, Siwan.

Permission is accorded.

Accordingly, the anticipatory bail application filed on behalf of petitioner no. 2, namely, Munchun Singh, is dismissed as withdrawn.

Now, the petitioner nos. 1 and 3 are apprehending their arrest in a case for the offence registered under Sections 272, 273 of the I.P.C., 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 3266.04 liters wine is said to have been recovered from the house of co-accused Nagendra Singh and from Bolero Pick-up Van standing near his house.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. It is alleged that total 3266.04 liters wine is recovered from the house of co-accused Nagendra Singh and from Bolero Pick-up Van standing near his house. The Pick-up Van in question does not belong to the petitioner nos. 1 and 3. Nothing incriminating has been recovered from



their conscious possession. They 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 nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 3 above named (except petitioner no. 2 Munchun Singh), in the event of arrest or 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/-(Rupees Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Daraunda P.S. Case No. 184/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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