

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1399 of 2021

Arising Out of PS. Case No.-330 Year-2019 Thana- NAUTAN District- West Champaran

1. Kailash Yadav, Gender-Male, aged about 30 years, Son of Ganesh Yadav, Resident of Village - Naurahi, Police Station - Nautan, District - West Champaran.
2. Bishambar Yadav, Gender-Male, aged about 28 years, Son of Keshav Yadav @ Kesaw Yadav, Resident of Village - Naurahi, Police Station - Nautan, District - West Champaran.
3. Rajesh Yadav, Gender-Male, aged about 25 years, Son of Baij Yadav, Resident of Village - Naurahi, Police Station - Nautan, District - West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar No 7, Advocate.
For the Opposite Party : Mr. Nityanand, A, P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

The petitioners are apprehending their 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 66.300 liters wine is said to have been recovered from the different



places.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 66.300 liters wine is recovered from the different places. Out of which, 01 liter wine is said to have been recovered from the joint house of petitioner no. 1, 2.500 liters wine is said to have been recovered from the joint house of petitioner no. 2 and 03 liters wine is said to have been recovered from the joint house of petitioner no. 3. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 of the case and also the lockdown, let the petitioners above named, 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 their personal bond to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 330 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) each 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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