

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58054 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- RAJAOLI District- Nawada

1. SANTOSH YADAV Son of Rajbhuj Yadav Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
2. UPENDRA RAJBANSHI Son of Shaukhi Rajbanshi Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
3. SANDEEP KUMAR RAJBANSHI Son of Bhola Rajbanshi Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
4. UDAY RAJBANSHI Son of Rameshwar Rajbanshi Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
5. PACHU RAJBANSHI @ UPENDRA RAJBANSHI Son of Late Kaishar Rajbanshi Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
6. Vinay Kumar Rajbanshi @ Vinjay Rajbanshi Son of Late Gauri Rajbanshi Resident of Village- Balia, P.S.- Rajouli, District- Nawada.
7. KHAILO YADAV Son of Babulal Yadav Resident of Village- Bara, P.S.- Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioners are apprehending their arrest in
connection with Rajouli P.S. case No.93 of 2021 registered



under Sections 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 150 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 150 liters wine is recovered from the Bhatti situated in the forest area. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Nawada in connection with Rajauli P.S. case No.93 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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