

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3037 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

1. TUNTUN KUMAR @ TUNTUN YADAV, aged about 23 years (Male), S/o Bishundeo Yadav, Resident of Vill.- Ishri Par, P.S.- Muffasil, Distt.- Nawada.
2. SANJAY KUMAR, aged about 25 years (Male), S/o ARJUN YADAV, Resident of Vill.- Ishri Par, P.S.- Muffasil, Distt.- Nawada.
3. KAPILDEO YADAV @ KAPIL YADAV, (Male), aged about 25 years, S/o Devenddra Yadav, Resident of Vill.- Ishri Par, P.S.- Muffasil, Distt.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Kumar Verma, Advocate.
For the Opposite Party : Mr. A.G.

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 05 liters wine is said to have been recovered from the bush in abandoned state.



It has been submitted by learned counsel for the petitioners that it has wrongly been mentioned in paragraph no. 3 of the bail application that the petitioners have got no criminal antecedent but after institution of the present case, one more case was instituted against the petitioners for the separate offence. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 05 liters wine is recovered from the bush in abandoned state. The names of the petitioners have transpired in the present case on the basis of disclosure made by the local residents. The names of the local residents, who have named the petitioners, have 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. 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 Additional Sessions Judge-II-cum-Special Judge, Nawada, in connection with Muffasil P.S. Case No. 120 of 2020, 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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