

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55666 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- KHIJARSARAI District- Gaya

1. RAJU YADAV @ VICKY YADAV @ VICKY KUMAR YADAV Son of Vinay Yadav @ Vijay Yadav Resident of Village- Nagariyawa, P.S.- Khizersarai, District- Gaya.
2. Vinay Yadav @ Vijay Yadav Son of Munni Yadav Resident of Village- Nagariyawa, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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 Khizersarai P.S. case No.208 of 2021 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 52 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 disclosure made by the local residents and local Chaukidar as per F.I.R. The names of 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. It is alleged that total 52 liters wine is recovered from three different places. 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 IInd-cum-Special Judge of Excise Act, Gaya in connection with Khizersarai P.S. case No.208 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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