

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61808 of 2021

Arising Out of PS. Case No.-173 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

1. Jagan Yadav S/O Late Jiut Yadav R/O Village-Salempur, P.S-Ara Muffasil (DHOBAHAN O.P), District-Bhojpur.
2. Ravi Yadav S/O Jagan Yadav R/O Village-Salempur, P.S-Ara Muffasil (DHOBAHAN O.P), District-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr. Md. Mohammad Sufiyan, 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.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioners are apprehending their arrest in a case
registered under Section 30(A) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 75 liters wine is
recovered.

It has been submitted on behalf of the petitioners that
there is no allegation of tampering of witnesses alleged against



the petitioners. The name of the petitioner no. 1 has transpired as the recovery is made from the joint hut of the petitioner no. 1 where other family members also reside whereas the name of petitioner no. 2 has transpired on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 75 liters wine is recovered from the hut of petitioner no. 1. 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, let the petitioners, above named, in the event of arrest/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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur, Ara in connection with Ara Muffasil (Dhobahan O.P.) P.S. Case No. 173/2021, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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