

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65952 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- SILAO District- Nalanda

1. SIYASHARAN YADAV S/o Ramji Yadav Resident of Village- Kamdarganj, P.S.- Silao, District- Nalanda.
2. RAUSHAN KUMAR @ BAUAA S/o Bhondu Gope @ Bhondu Yadav @ Bhanu Gope Resident of Village- Kamdarganj, P.S.- Silao, District- Nalanda.
3. SHISHUPAL KUMAR S/o Munnu Mahto Resident of Village- Dharhara, P.S.- Silao, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned 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 Silao P.S. Case No. 72 of 2021 registered for the offence under Sections-272, 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 459 liters wine is recovered.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that out of 459 litres, 234 litres wine is recovered from the room near water tank, 162 litres wine is recovered from pick up Van and 63 litres wine is recovered from the car. The petitioner is not owner of the vehicles, in question. The names of the petitioners have transpired in this case on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present 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.

Considering the aforesaid facts and circumstances of the case, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Nalanda at Bihar Sharif in connection with Silao P.S. Case No. 72 of 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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