

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65559 of 2021

Arising Out of PS. Case No.-480 Year-2021 Thana- PURNEA SADAR District- Purnia

1. RAHUL KUMAR CHOUDHARY S/o Gauri Shankar Choudhary R/o village- Rambag, P.S.- Sadar, District- Purnea
2. Ravi Kumar Choudhary S/o Ranjit Kumar Choudhary R/o village- Rambag, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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 Purnea Sadar P.S. Case No. 480 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, 2016.

The prosecution case, in short, is that 85.405 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 85.405 litres,



80.410 litres wine is recovered from house of co-accused whereas 4.995 litres wine is recovered from house of another co-accused. The names of the petitioners have transpired in this case 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 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 Special Judge, Excise Act, Purnea in connection with Purnea Sadar P.S. Case No. 480 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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