

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66635 of 2021**

Arising Out of PS. Case No.-115 Year-2021 Thana- GHOSI District- Jehanabad

- 
1. SUNIL YADAV @ SUNIL KUMAR Son of Brahmdev Prasad Resident of Village - Toralbiga, P.S.- Ekangarsarai, Distt.- Nalanda.
  2. Mantu Yadav @ Abhishek Raj Son of Baiju Prasad Resident of Village - Mudrfabad, P.S.- Telhara, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Shivendra Prasad  
For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

---

**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 Ghosi P.S. Case No. 115 of 2021 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 2652 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged



that 2652 litres wine is recovered from the truck. The truck, in question does not belong to the petitioners. 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, Jehanabad in connection with Ghosi P.S. Case No. 115 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

