

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4360 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- JAGDISHPUR District- Bhojpur

1. LALLU YADAV S/o Shivgovind Yadav Resident of Village- Neurpokhar, Post- Jagdishpur, P.S.- Jagdishpur, District- Bhojpur.
2. Pappu Mahto Son of Late Kanhaiya Yadav Resident of Village- Neurpokhar, Post- Jagdishpur, P.S.- Jagdishpur, District- Bhojpur.
3. Ganesh Yadav Son of Late Nandu Yadav Resident of Village- Neurpokhar, Post- Jagdishpur, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 404 of 2021



registered for the offence under Sections-30(a) & 30(d) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 80 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 the petitioners. The petitioners have been falsely implicated in the present case. It is alleged that 80 litres wine is recovered by side of the river. The names of the petitioners have transpired in this case on the basis of disclosure made by local chowkidar. 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.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid 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 their personal bonds to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 404 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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