

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7888 of 2022

Arising Out of PS. Case No.-582 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. PARMA YADAV Son of Ramswarup Yadav Resident of Village - Bela , P.s.-
Shikarganj, Distt.- East Champaran.
 2. Jalandhar Yadav Son of Chandar Yadav Resident of Village - Bela , P.s.-
Shikarganj, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-02-2022 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 four
weeks.

The petitioners are apprehending their arrest in connection
with Muffasil P.S. Case No. 582 of 2021 registered for the offence
under Sections-30(a)(b), 32 & 41(i) of the Bihar Prohibition and
Excise Act.

The prosecution case, in short, is that 60 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 60 litres wine is



recovered by side of the bank 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.

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 Exclusive Special Excise Court No.1, Motihari, East Champaran in connection with Muffasil P.S. Case No. 582 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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