

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9760 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

1. AKASH KUMAR Son of Surendra Prasad Yadav Resident of Village - Siswa Bashant Sitalpur, P.s.- Kalyanpur, Distt.- East Champaran.
2. Kavindar Bhagat Son of nagendra Bhagat Resident of Village - Bokanekala Khurd, P.s.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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 a case registered under Sections 272, 273, 120B, 420, 467, 468, 471 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8812.260 liters wine is recovered from the truck and 180 ml wine is recovered from the motorcycle.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 8812.260 liters wine is recovered from the truck and 180 ml wine is recovered from the motorcycle. The truck and motorcycle in question do not belong to the petitioners. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise Court, East Champaran, Motihari in connection with Madhuban P.S. case No.211/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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