

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10882 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- HASPURA District- Aurangabad

1. SANTOSH CHOUDHARY Son of Parmeshwar Choudhary Resident of Village Koilwan Tola, Raghunath Bigha, P.S. - Haspura, District - Aurangabad.
2. Guddu Choudhary Son of Parmeshwar Choudhary Resident of Village Koilwan Tola, Raghunath Bigha, P.S. - Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, 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 30(a)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 65 liters wine is recovered.

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 as the alleged recovery is made from the open land belonging to the joint family of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 65 liters wine is recovered from the open land belonging to the joint family of 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 Additional District & Sessions Judge IX-cum-Special Judge, Excise II, Aurangabad in connection with Haspura P.S. case No.03/2022,



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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