

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12634 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- PIRO District- Bhojpur

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1. RAVI YADAV S/o Late Janeshar Yadav @ Janesh Yadav R/o village- Ujjain Dihra, P.S.- Piro (Hasanbazar), District- Bhojpur
 2. Raj Kumar Yadav S/o Ravi Yadav R/o village- Ujjain Dihra, P.S.- Piro (Hasanbazar), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioners and learned counsel for the State.

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

Learned counsel for the petitioners seeks permission of the Court to withdraw the present application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

The petitioner no. 1 is apprehending his arrest in a



case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 15 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The name of the petitioner no. 1 has transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 1 in this case. It is alleged that 15 liters wine is recovered from a hut belonging to co-accused. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner no. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, 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) with two



sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Bhojpur at Ara (Exclusive Special Excise Court No. II) in connection with Piro (Hasanbazar) P.S. Case No. 305 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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