

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16040 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- BARAULI District- Gopalganj

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1. RAJU @ RAJU KUMAR S/o Prabhu Prasad R/o village and P.S.- Barauli, District- Gopalganj
 2. Sonu @ Sonu Kumar S/o Prabhu Prasad R/o village and P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners and learned
APP for 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.

Learned counsel for the petitioners seeks permission
of the Court to withdraw the present application in respect of
petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner no. 1.

The petitioner no. 2 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 82.6 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 2 that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner no. 2 has transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioner no. 2, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 2 in this case. It is alleged that 82.6 liters wine is recovered by the side of road. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 2. The petitioner no. 2 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. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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 District & Sessions Judge-II, Gopalganj in connection with Barauli P.S. Case No. 309/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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