

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16938 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. Raghuvir Kumar @ Raghuvir Sahni, aged about 26 years, Male, Son of Sri Gopal Sahani, Resident of village - Charkoriya, P.S.- Kudhani, District - Muzaffarpur.
2. Ram Pukar Sahani @ Ram Pukar, aged about 40 years, Male, Son of Rambilash Sahani, Resident of village - Teaiya, P.S.- Kudhani, District - Muzaffarpur.
3. Raj Kishor Sahni, aged about 38 years, Male, Son of Sakaldip Sahni, Resident of village - Manariya, P.S.- Kudhani, District - Muzaffarpur.
4. Rajkumar Sahni, aged about 48 years, Male, Son of Kantu Sahni, Resident of village - Charkoriya, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Bela Singh, Advocate
For the Opposite Party	:	Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Kudhani P.S. Case No. 129 of 2021 for the offence registered under Sections 147, 149, 353, 414 of the I.P.C. and Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act, 2016.



The prosecution story, in brief, is that total 5.750 liters wine is recovered from the godown and hut of the co-accused.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1, 3 and 4 have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that 5.750 liters wine is recovered from the godown and hut of the co-accused. Some of the accused persons were creating public nuisance in drunken state. The names of the petitioners have transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this 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/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court-II, Muzaffarpur, in connection with Kudhani P.S. Case No. 129 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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