

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18002 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- CHORAUT District- Sitamarhi

1. Ajai Rai @ Ajay Kumar Rai Son Of Rajendra Rai R/O Village- Bishanpur, P.S.- Choraut, District- Sitamarhi
2. Pawan Rai @ Pawan Kumar Rai Son Of Late Kishun Rai R/O Village- Bishanpur, P.S.- Choraut, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2022 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 defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Section 414 of Indian Penal Code and 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 petitioners that
the petitioners have got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. It is alleged that 15 liters wine is recovered from the motorcycle. The motorcycle in question does not belong to the petitioners. The names of the petitioners have 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 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. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi, District- Sitamarhi in



connection with Choraut P.S. Case No. 138 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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