

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17454 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. NITISH SINGH @ NITISH KUMAR SINGH Son of Shyam Singh @ Shyam Kishore Singh @ Shyam Bihari Singh Resident of Village- Narayanpur, P.S.- Kusheshwar Asthan, District- Darbhanga.
 2. SURENDRA YADAV @ SURENDRA KUMAR YADAV Son of Bindeshwar Yadav Resident of Village- Bahorva, P.S.- Kusheshwarasthan, District- Darbhanga.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and 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.

The petitioners are apprehending their arrest in connection with Kusheshwarasthan P.S. Case No. 214 of 2021 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2628.360 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. The petitioners have been falsely implicated in the present case. It is alleged that 2628.360 litres wine is recovered from the container of the truck. The petitioners are not owner of the container, in question. The names of the petitioners have transpired in this case on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present 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 petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari vs 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 of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Darbhanga in connection with Kusheshwarasthan P.S. Case No. 214 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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