

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28715 of 2021

Arising Out of PS. Case No.-213 Year-2019 Thana- KIUL RAIL P.S. District- Lakhisarai

1. Anirudh Kumar, aged about 34 years, Gender-M, S/O Sri Sachhidanand Rai, R/O Village-Bina Pani, Panchit Batika Nand Gola, Patna City, P.O.-Madhav Mill Nagla, P.S.-Malsalami, District-Patna.
2. Pankaj Kumar, aged about 29 years, Gender-M, S/O Sri Dinesh Rai, R/O Village-Pachhami Nand Gola, Bina Pani, Panchit Batika, Near at Temple Of Naga Baba, P.O.-Madhav Mill Nagla, P.S.-Malsalami, District-Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. 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 Kiul Railway P.S. Case No. 213 of 2019, Excise Case No. 545 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 237.620 liters wine is recovered from the Train.



It has been submitted by learned counsel for the petitioners that the petitioners 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 total 237.620 liters wine is recovered from the Train. 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. 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/ 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 Additional Sessions Judge-II-cum-Special Judge,
Excise, Lakhisarai, in connection with Kiul Railway P.S. Case
No. 213 of 2019, Excise Case No. 545 of 2019, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sudhir Singh, J)

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