

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21511 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- NOORSARAI District- Nalanda

1. RANJAN YADAV @ RAJAN YADAV Son of Late Devsharan Yadav Resident of Village - Malbigha, P.S.- Nursarai, District - Nalanda.
2. Pintu Yadav Son of Ranjan Yadav @ Rajan Yadav Resident of Village - Malbigha, P.S.- Nursarai, District - Nalanda.
3. Narsing Yadav Son of Rambali Resident of Village - Malbigha, P.S.- Nursarai, District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2022 Supplementary affidavit is filed on behalf of the petitioners. The same be kept on record.

In the light of statement made in the supplementary affidavit, counsel for the petitioners is permitted to make necessary correction in paragraph-3 of the main application.

Heard learned counsel for the petitioners and 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.

The petitioners are apprehending their arrest in



connection with Noorsarai P.S. Case No. 223 of 2021 registered for the offence under Sections-272 & 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise (Amended) Act, 2018.

The prosecution case, in short, is that 60 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 60 litres wine is recovered near the canal. The names of the petitioners have transpired in this case on the basis of disclosure made by Chowkidar and local residents. 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Bihar Sharif, Nalanda in connection with Noorsarai P.S. Case No. 223 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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