

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20828 of 2022

Arising Out of PS. Case No.-250 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Mauzi Yadav Son Of Late Fagu Yadav R/O Village- Nand Lal Bigha, P.S.- Akbarpur, District- Nawada
 2. Ashok Yadav @ Ashok Kumar Son Of Late Fagu Yadav R/O Village- Chela Bigha, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Further, counsel for the petitioners is permitted to make necessary correction in paragraph 1 of the application.

The petitioners are apprehending their arrest in a case registered under Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 50 liters wine is recovered.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 50 liters wine is recovered, which was kept under the earth. The petitioners had no knowledge regarding the alleged incident. 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 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of learned (A.D.J. II) Ananya Special Excise Court No.II, Nawada in connection with Akabarpur G.O. No.250/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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