

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21549 of 2022

Arising Out of PS. Case No.-392 Year-2021 Thana- KESARIA District- East Champaran

1. HARI SANKAR RAI S/o Basudeo Rai R/o village- Madhopur Hajari, P.S.- Sahebganj, Distt.- Muzaffarpur
2. Baleshwar Rai S/o Bhagwat Rai R/o village- Madhopur Hajari, P.S.- Sahebganj, Distt.- Muzaffarpur
3. Prabhu Rai S/o Bunilal Rai @ Jai Ram Rai R/o village- Madhopur Hajari, P.S.- Sahebganj, Distt.- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party : Mr. Jitendra Kumar Singh.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-04-2022 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 Kesaria P.S. Case No. 392 of 2021 registered for the offence under Sections-30(a), 32, 41[i] of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 520 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 them. They



have been falsely implicated in the present case. It is alleged that 200 litres wine is recovered near a Bhatti whereas 320 litres wine is recovered near another Bhatti. 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court No.-2,



Motihari, East Champaran in connection with Kesaria P.S. Case
No. 392 of 2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

