

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23687 of 2022

Arising Out of PS. Case No.-231 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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YOGENDRA DAS @ JOGINDAR DAS Son of Rudal Das Residence of
village - Koirgawan Bin Toli, P.S.- Sangrampur, District - East Champaran at
Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioner and the State.

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

The petitioner is apprehending his arrest in connection
with Sangrampur P.S. Case No. 231 of 2019 registered for the
offence under Sections-30(a)/30(d)/35/38 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 10 liters wine, 10
quintals sweet solution and utensils as well as cylinder is recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been falsely implicated in the present
case. It is alleged that 10 liters wine, 10 quintals sweet solution and
utensils as well as cylinder is recovered from the Chaur. The name of
the petitioner has transpired in this 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 petitioner in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, 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 Excise, Special Excise Court No.- 1, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 231 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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