

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6755 of 2023

Arising Out of PS. Case No.-919 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. AKASH YADAV @ AKASH KUMAR, Male, aged about 21 years, S/O ANUTHA RAI, Resident of Village- Siswa, P.S.- Kalyanpur, District- Motihari, East Champaran.
 2. PRABHU KUMAR @ PRABHU KUMAR YADAV, Male, aged about 37 years, S/O VISHWANATH PRASAD YADAV, Resident of Village- Siswa, P.S.- Kalyanpur, District- Motihari, East Champaran.
 3. SANTOSH PASWAN, Male, aged about 41 years, S/O SITA RAM PASWAN, Resident of Village- Garampari, P.S.- Kalyanpur, District- Motihari, East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Setu Prateek, Advocate
For the Opposite Party	:	Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Gopalganj (Town) P.S. Case No. 919 of 2022 for the offence registered under Section 414 of the I.P.C. and Sections 30(a), 41(i) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 214.86 liters wine is said to have been recovered from the car in



question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They 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 214.86 liters wine is recovered from the car in question. The said car in question does not belong to the petitioners. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of confessional statement of the 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. The petitioners had no knowledge regarding the alleged incident. 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, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The 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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Excise Court, Gopalganj, in connection with Gopalganj (Town) P.S. Case No. 919 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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