

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5953 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- TEGHRHA District- Begusarai

1. Ram Udgar Sahni @ Ramudgar Sahni Son Of Jatthu Sahni R/V- Khizirchak, P.S.- Teghra, District- Begusarai
2. Gulabi Devi Wife Of Ram Udgar Sahni @ Ramudgar Sahni R/V- Khizirchak, P.S.- Teghra, District- Begusarai
3. Mukesh Sahni @ Mukesh Kumar Sahni Son Of Ram Udgar Sahni @ Ramudgar Sahni R/V- Khizirchak, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
of this Court to withdraw this application in respect of petitioner
Nos. 1 and 2 as they have been arrested.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner Nos. 1 and 2.

The petitioner No. 3 is apprehending his arrest in a
case registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.



The prosecution case, in short, is that 21 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 3 that the petitioner No. 3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 3. It is alleged that 21 liters wine is recovered from the open field. The name of the petitioner No. 3 has transpired 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 petitioner no. 3 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 3. The petitioner no. 3 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner no. 3 has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioner no. 3 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances,



let the petitioner no. 3 , 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) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge-I, Begusarai in connection with Teghra P.S. case No. 322 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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