

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8655 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- DARAUNDA District- Siwan

1. Yogendra Choudhary Son Of Late Babulal Choudhary R/O Vill.- Abhui, P.S.- Doraunda, Distt.- Siwan
2. Harendra Choudhary Son Of Late Babulal Choudhary R/O Vill.- Abhui, P.S.- Doraunda, Distt.- Siwan
3. Dayanand Choudhary Son Of Late Gauri Shankar Choudhary R/O Vill.- Abhui, P.S.- Doraunda, Distt.- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Mithilesh Kumar, Advocate
For the Opposite Party	:	Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 6 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 the petitioners. The names of the petitioners have surfaced in this



case on the basis of disclosure made by co-accused. It is alleged that 6 liters wine is recovered by side of a pond situated northern side of joint house of the petitioner No. 1. 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 have 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 Cr. Appeal No. 626 of 2022 (Sweta Kumari versus 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, 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 Exclusive Special Excise Court No. 1, Siwan in connection with Daraunda P.S. Case No. 262 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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