

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13113 of 2023**

Arising Out of PS. Case No.-651 Year-2022 Thana- PIRO District- Bhojpur

1. ARBIND RAM, aged about 25 years, Male, Son of Ram Prasad Ram @ Buttan Ram, R/v- Haraiyadih, P.S.- Piro (Hasan Bazar), District- Bhojpur.
2. GOLU RAM, aged about 23 years, Male, Son of Ramesh Ram, R/v- Haraiyadih, P.S.- Piro (Hasan Bazar), District- Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Ashok Kumar Singh, Advocate  
For the Opposite Party : Mrs. Veena Kumari Jaiswal, 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 Piro (Hasan Bazar) P.S. Case No. 651 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 17 liters wine is said to have been recovered from the Dalan belonging to joint family of petitioner no. 1.

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 17 liters wine is recovered from the Dalan belonging to joint family of the petitioner no. 1. There is no recovery of any liquor from petitioner no. 2. The petitioners are named in the F.I.R. The name of the petitioner no. 1 has transpired in the present case as the recovery is made from the Dalan belonging to joint family of petitioner no. 1 and the name of petitioner no. 2 has transpired in the present case on the basis of disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioner no. 2, has not been disclosed by the prosecution. 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 Exclusive Special Judge, Excise Act, Bhojpur at Arrah, in connection with Piro (Hasan Bazar) P.S. Case No. 651 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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