

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10133 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. Jhagru Sah, aged about 44 years, Male, Son Of Late Budhu Sah, R/O Village- Harnathpur Parsauni, P.S.- Pakridayal, District- East Champaran.
2. Manjhi Ram, aged about 27 years, Male, Son Of Late Rajdhari Ram, R/O Village- Harnathpur Parsauni, P.S.- Pakridayal, District- East Champaran.
3. Birani Mahto, aged about 26 years, Male, Son Of Late Shri Mahto, R/O Village- Harnathpur Parsauni, P.S.- Pakridayal, District- East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party	:	Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in connection with Pakridayal P.S. Case No. 260 of 2022 for the offence registered under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 465.525 liters wine is said to have been recovered by the side of the Government School and Paddy field.

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 465.525 liters wine is recovered by the side of the government school and paddy field. The paddy field 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 disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioners, 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 Special Judge, Excise, Court No. 2, East Champaran, Motihari, in connection with Pakaridayal P.S. Case No. 260 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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