

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13137 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- BARHARIA District- Siwan

1. GHURMAL PRASAD @ GHURMAL BIN, aged about 44 years, Male, S/O LATE BHARAT PRASAD, Resident of Village- Tinbhediya, P.O.- Hardiyan, P.S.- Barharia, District- Siwan, Bihar- 841232.
2. VIKASH KUMAR @ BIKASK KUMAR, aged about 23 years, Male, S/O GHURMAL PRASAD @ GHURMAL BIN, Resident of Village- Tinbhediya, P.O.- Hardiyan, P.S.- Barharia, District- Siwan, Bihar- 841232.
3. SATENDRA YADAV, aged about 36 years, Male, S/O LATE BAIDYANATH YADAV @ KAILASH CHAUDHARI @ KAILASH YADAV @ KAILASH CHAUDHURI, Resident of Village- Mansahata, P.O.- Hardiyan, P.S.- Barharia, District- Siwan, Bihar- 841232.
4. RAJU YADAV, aged about 28 years, Male, S/O KALDEV YADAV @ KAVALDEV YADAV, Resident of Village- Mansahata, P.O.- Hardiyan, P.S.- Barharia, District- Siwan, Bihar- 841232.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Akshay Lal Pandit, Advocate
For the Opposite Party	:	Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Learned counsel for the petitioners is permitted to make necessary correction in the name of resident of village of petitioner nos. 1 and 2, and in paragraph no. 1 of the petition, in course of the day.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Barharia P.S. Case No. 509 of 2022 for the



offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 28 liters wine is said to have been recovered from different places.

It has been submitted by learned counsel for the petitioners that the petitioner no. 2 has got no criminal antecedent. The petitioners 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 28 liters wine is recovered. Out of which, 10 liters wine is said to have been recovered from the house belonging to joint family of petitioner no. 1. The petitioners are named in the F.I.R. The name of the petitioner no. 1 has transpired in the present case as the alleged recovery is made from the house belonging to joint family of petitioner no. 1. The names of the petitioner nos. 2 to 4 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 petitioner nos. 2 to 4, 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 A.D.J.-II-cum-Special Judge Excise, Siwan, in connection with



Barharia P.S. Case No. 509 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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