

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10331 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- BISFI District- Madhubani

1. Abhinav Kumar Thakur @ Mangal Thakur Son Of Sudhir Thakur R/V-
Raghauli, P.S.- Bisfi, District- Madhubani
2. Sudhir Thakur @ Sudhir Kumar Thakur Son Of Late Bindheshwar Thakur
@ Guljar R/V- Raghauli, P.S.- Bisfi, District- Madhubani

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

For the Opposite Party/s : Mrs.Asha Devi, 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.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 22 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. It is alleged that 22 liters wine is recovered from cowshed. The names of the petitioners have transpired as the recovery is made from the cowshed belonging to joint family of the petitioners. 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 (Sweta Kumari versus 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, 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 Addl. Sessions Judge-2nd-cum- Special Judge, Excise Act, Madhubani in connection with G.R. No. 2388/2022, arising out of Bisfi P.S. case No. 419/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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