

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11973 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Vikash Yadav @ Vikash Kumar Son Of Shri Ram Janam Ray @ Rambhajan Ray R/O Village- Kaladiyara (GAYASHPUR), P.S.- Salimpur, District- Patna
2. Mukesh Yadav Son Of Shri Ram Janam Ray @ Rambhajan Ray R/O Village- Kaladiyara (GAYASHPUR), P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, 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 Section 414 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 135.060 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The name of the petitioner No.1 has transpired in this case



on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.1 in this case. It is alleged that 135.060 liters wine is recovered from the vehicle in question. The name of the petitioner No.2 has transpired in this case as the petitioner No.2 is the owner of the vehicle in question. Said vehicle is run as public carrier. The petitioner No.2 had no knowledge regarding the nature of goods being kept in the vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge VII-cum-Special Judge, Excise-II, Kaimur at Bhabhua in connection with Durgawati P.S. case No.346 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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