

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13479 of 2023

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

1. Vinay Singh Son Of Late Lal Babu Singh R/O Village- Harnathpur Parsauni, P.S.- Pakaridayal, District- East Champaran
2. Sujeet Singh Son Of Late Lal Babu Singh R/O Village- Harnathpur Parsauni, P.S.- Pakaridayal, 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.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 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 (Amendment) Act, 2018.

The prosecution case, in short, is that 465.225 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 465.225 liters wine is recovered from two different places. One of the places which is a pond belongs 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 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 F.I.R.

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 learned Exclusive Special Excise Court No. 2, East Champaran, Motihari in connection with Pakri dayal 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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