

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15025 of 2023

Arising Out of PS. Case No.-647 Year-2022 Thana- SONEPUR District- Saran

1. Vinay Ray Son of Late Birendra Ray Resident of village - Bharpura, Brahmsthan Naya Tola, P.S.- Sonepur, District - Saran.
2. Randhir Ray @ Randhir Rai @ Kali Son of Late Birendra Ray Resident of village - Bharpura, Brahmsthan Naya Tola, P.S.- Sonepur, District - Saran.
3. Raju @ Doman Son of Yogendra Ray Resident of village - Bharpura, Brahmsthan Naya Tola, P.S.- Sonepur, District - Saran.
4. Munna @ Munna Kumar Son of Raju @ Doman Resident of village - Bharpura, Brahmsthan Naya Tola, P.S.- Sonepur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, 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.

Learned counsel for the petitioners seeks permission
of this Court to withdraw the present application for anticipatory
bail on behalf of petitioner No.3, as the petitioner No.3 has been
taken into judicial custody.

Permission is accorded.

The present application for anticipatory bail filed on
behalf of petitioner No.3, namely, Raju @ Doman is dismissed
as withdrawn.



The petitioner Nos.1, 2 and 4 are apprehending their arrest in a case registered under Sections 30(a)/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 425.820 liters wine is recovered.

It has been submitted on behalf of the petitioner Nos.1, 2 and 4 that the petitioner Nos.1, 2 and 4 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 2 and 4. The petitioner Nos.1, 2 and 4 have falsely been implicated in this case. The names of the petitioner Nos.1, 2 and 4 have transpired in this case on the basis of disclosure made by the local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner Nos.1, 2 and 4 in this case. It is alleged that 425.820 liters wine is recovered from the car. The car in question does not belong to the petitioner Nos.1, 2 and 4. The petitioner Nos.1, 2 and 4 had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner Nos.1, 2 and 4. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner Nos.1, 2 and 4 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 petitioner Nos.1, 2 and 4 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1, 2 and 4, 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Sonapur P.S. case No.647/2022, 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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