

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16909 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. Amresh Yadav @ Amresh Kumar Yadav, aged about 35 years (Male), Son Of Sharda Nand Yadav, Resident Of Village Rampur Kala, Ps Fulwariya, District- Gopalganj.
2. Pappu Kumar Yadav @ Pappu Yadav, aged about 23 years (Male), Son Of Sharda Nand Yadav, Resident Of Village Rampur Kala, Ps Fulwariya, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Mishra, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Phulwariya P.S. Case No. 398 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 600.12 liters wine is said to have been recovered from the Scorpio vehicle in question.

It has been submitted by learned counsel for the petitioners that 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 600.12 liters wine is recovered from the Scorpio vehicle in question. The Scorpio vehicle in question does not belong to the petitioners. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of disclosure made by the local residents and the local Choukidar. The name of the local residents, who have named the petitioner, 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 Court below/concerned Court, in connection with Phulwariya P.S. Case No. 398 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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