

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21945 of 2023**

Arising Out of PS. Case No.-97 Year-2023 Thana- ARWAL District- Jehanabad

1. Pawan Kumar, aged about 28 years, Male, Son Of Ram Babu Singh, Resident Of Village -Brijlala Bigha, Post Fakharpur, P.S. Arwal, Distt-Arwal.
2. Ram Babu Singh, aged about 50 years, Male, Son Of Late Surajdeo Yadav, Resident Of Village -Brijlala Bigha, Post Fakharpur, P.S. Arwal, Distt-Arwal.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Arvind Prasad Singh, Advocate  
For the Opposite Party : Mr. Md. Iftekhar Mahmood, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-05-2023                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Arwal P.S. Case No. 97 of 2023 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 10.875 liters wine is said to have been recovered from half constructed house belonging to joint family of the petitioners.

It has been submitted by learned counsel for the



petitioners that the petitioner no. 1 has got no criminal antecedent. 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 10.875 liters wine is recovered from half constructed house belonging to joint family of the petitioners. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case as the alleged recovery is made from half constructed house 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, 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 Arwal P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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