

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23397 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- SARAI District- Vaishali

1. VIKASH PRASAD @ VIKAH KUMAR PRASAD Son of Late Kamal Rai R/V- Kiratpur Raja Ram PS Bhagwanpur, Distt- Vaishali
2. Naveen Rai @ Lalu Kumar @ Naveen Rai Lalu Son of Mohan Rai R/V- Kiratpur Raja Ram PS Bhagwanpur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 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 and 273 of Indian Penal Code and Sections 30(a), 32(b) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 379.44 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 379.44 liters wine is recovered from the factory. The factory in question does not belong to the petitioner. The names of the



petitioners have transpired by local Chawkidar. 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 (Sweta Kumari versus 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, 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 the Court below/concerned Court in connection with Sarai P.S. case No. 374/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/Nitin

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