

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21950 of 2023

Arising Out of PS. Case No.-310 Year-2021 Thana- AWTARNAGAR District- Saran

1. AJIT KUMAR, aged about 29 years, Male, Son of Late Ramayan Rai, Resident of village-Santha, Police Station-Awatarnagar, District-Saran at Chapra.
2. RAJU RAI, aged about 31 years, Male, Son of Chandrika Rai, Resident of village-Santha, Police Station-Awatarnagar, District-Saran at Chapra.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Krishna Kumar Yadav, 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 Awatarnagar P.S. Case No. 310 of 2021 for the offence registered under Sections 30, 30(a) and 37(c) of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that total 156.195 liters wine is said to have been recovered from three different places.

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 156.195 liters wine is recovered from three different places. None of the places belongs 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 confessional statement of the co-accused. 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 Awatarnagar P.S. Case No. 310 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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