

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25000 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Shankar Sah Son Of Suresh Sah Resident Of Village - Sahid Chowk, P.S. - Jaynagar, Distt. - Madhubani
2. Chandrakala Devi Wife Of Suresh Sah Resident Of Village - Sahid Chowk, P.S. - Jaynagar, Distt. - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
of this Court to withdraw this application in respect of
petitioner No. 2 as he has been arrested and as such the
application has become infructuous.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner No. 2.

The petitioner No. 1 is apprehending his arrest in a
case registered under Sections 272, 273 and 34 of Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,



2016.

The prosecution case, in short, is that 135 liters wine is recovered.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. It is alleged that 135 liters wine is recovered from the joint house of the petitioner No. 1. The name of the petitioner has transpired as the recovery is made from the joint house of the petitioner No. 1 where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner No. 1 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 petitioner No. 1 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances,



let the petitioner No. 1, 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) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with G.R. No. 203/23 arising out of Jaynagar P.S. case No. 43 of 2023, 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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