

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23990 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- DHANSOI District- Buxar

1. ANIL KUMAR, aged about 22 years, Gender-Male, SON OF SATENDRA SINGH, Resident of village - Devadhi Tola, P.S. - Dawath, Distt. - Rohtas.
2. PRINCE KUMAR, aged about 19 years, Gender-Male, SON OF SATENDRA SINGH, Resident of village - Devadhi Tola, P.S. - Dawath, Distt. - Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Satyapal Singh, Advocate
For the Opposite Party	:	Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Dhansoi P. S. Case No. 182 of 2022 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 29.350 liters wine is said to have been recovered from the Motorcycle in question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal



antecedent. They 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 29.350 liters wine is recovered from the Motorcycle in question. The petitioners are not named in the F.I.R. The name of the petitioners have transpired in the present case on the basis of seized Motorcycle in question. The petitioner no. 1 is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner no. 1 to his co-villager for his personal use. As far as petitioner no. 2 is concerned, he has been made accused in the present case being the brother of petitioner no. 1. 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 not 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 Dhansoi P.S. Case No. 182 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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