

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74147 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- DARIYAPUR District- Saran

1. Prince Kumar, aged about 20 years (Male), Son Of Sanjay Rai, R/O Village- Pahleza, Shahpur Diyara, P.S.- Sonepur, District- Saran at Chhapra.
2. Tuntun Kumar, aged about 19 years (Male), Son Of Uten Rai, R/O Village- Shahpur Diyara, P.S.- Sonepur Pahalaja Ame, District- Saran at Chhapra.
3. Manish Kumar, aged about 19 years (Male), Son Of Satyendra Rai, R/O Village- Bajahiya, P.S.- Dariyarpur, District- Saran at Chhapra.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party	:	Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office notes dated 21.12.2022, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 227 of 2022 for the offence registered under Sections 272, 273, 120(B) of the I.P.C. and Sections 30(a) 33 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The prosecution story, in brief, is that total



1790.28 liters wine is said to have been recovered from the Truck and the Pick-up Van in question.

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 1790.28 liters wine is recovered from the Truck and the Pick-up Van in question. None of the vehicle 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 Additional District and Sessions Judge-2nd-cum-Special Judge, Excise, Saran at Chapra, in connection with Dariyapur P.S. Case No. 227 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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