

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62031 of 2022

Arising Out of PS. Case No.-719 Year-2022 Thana- MADHEPURA District- Madhepura

1. PAWAN YADAV @ PAWAN KUMAR PRABHAKAR Son of Late Kamleshwari @ Kamal Yadav R/V- Parmanandpur, Nabtollia, Ward No. 16, P.S- Madhepura (Parmanandpur O.P) Dist- Madhepura
2. Gautam Kumar Son of Pawan Yadav @ Pawan Kumar Prabhakar R/V- Parmanandpur, Nabtollia, Ward No. 16, P.S- Madhepura (Parmanandpur O.P) Dist- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Suman Kumar Jha, Advocate
For the Opposite Party	:	Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Section-21(b) of the NDPS Act and Section-30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 31.5 liters wine is recovered.

It has been submitted on behalf of the petitioners that that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 31.5 liters wine is recovered from joint house of the petitioners. 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 Cr. 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.

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 learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Parmanandpur O.P.) P.S. Case No. 719 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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