

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74261 of 2022**

Arising Out of PS. Case No.-578 Year-2019 Thana- MASAUDHI District- Patna

Ghuti Yadav @ Surya Deo Yadav Surya @ Surajdev Prasad, Male, aged about 67 years, Son of Munarik Yadav, Resident of Village- Chulhai Chak, P.S.- Masurhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhukar Anand, Advocate
For the Opposite Party : Mrs. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 It has been submitted by learned counsel for the petitioner that the defects, as pointed out by the office notes dated 22.12.2022, have already been removed by filing a supplementary affidavit. Supplementary affidavit filed on behalf of the petitioner be kept on the record.

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

The petitioner is apprehending his arrest in connection with Special Excise Case No. 6947 of 2019,



arising out of Masaurhi P.S. Case No. 578 of 2019 for the offence registered under Sections 147, 148, 341, 337, 504, 506, 353, 307, 427 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 01.08.2019, on secret information that the illegal liquor is being manufactured, when the informant and other police officials went at the place of occurrence, 30-35 persons attacked on them. The Chaukidar, Lalan Paswan, identified the petitioner and twelve others and the petitioner was one of the members of the mob.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in



this case. Except for some utensils, no recovery of liquor is said to have been made from conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. The petitioner 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 petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna Sadar, in connection with Special Excise Case No. 6947 of 2019, arising out of



Masaurhi P.S. Case No. 578 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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