

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1331 of 2023

Arising Out of PS. Case No.-2 Year-2019 Thana- MADHEPURA District- Madhepura

1. LALAN YADAV @ LALAN KUMAR @ LALN YADAV, aged about 42 years (Male), Son of Chotte Lal Yadav, R/v- Mokna, Ward No. 11, P.S.- Bihara, District- Saharsa.
2. RADHO YADAV, aged 52 years (Male), Son of Chotte Lal Yadav, R/v- Mokna, Ward No. 11, P.S.- Bihara, District- Saharsa.
3. RAVINDAR YADAV @ RABEN YADAV @ RAVINDRA YADAV, aged about 39 years (Male), Son of Debo Yadav R/v- Mokna, Ward No. 11, P.S.- Bihara, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Madhepura Excise Case No. 03 of 2019, arising out of Madhepura (Parmanandpur) P.S. Case No. 02 of 2019 for the offence registered under Sections 30(a) (c) of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that total 44 liters wine is said to have been recovered from the Banswari of petitioner no. 1 and one co-accused Sikandar Yadav.



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 44 liters wine is recovered. Out of which, 24 liters wine is said to have been recovered from the Banswari of the petitioner no. 1. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioners, has not been disclosed by the prosecution. 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.

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 Sessions Judge-II, Madhepura, in connection with Madhepura Excise Case No. 03 of 2019, arising out of Madhepura (Parmanandpur) P.S. Case No. 02 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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