

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72997 of 2022

Arising Out of PS. Case No.-487 Year-2021 Thana- MASAUDHI District- Patna

1. RAJ KUMAR SAV @ RAJ KUMAR (Male), aged about 44 years, S/O NANHAKU SAV, Resident of village- Prem Road, Near Vishwanath Mandir Road, Lakhibagh, P.S.- Masaudhi, District- Patna.
2. PREM SAV @ PREM KUMAR (Male), aged about 46 years, S/O NANHAKU SAV, Resident of village- Prem Road, Near Vishwanath Mandir Road, Lakhibagh, P.S.- Masaudhi, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rahul Kumar, Advocate
For the Opposite Party : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Masaudhi P.S. Case No. 487 of 2021 for the offence registered under Sections 341, 323, 504, 506/34 of the I.P.C. and Section 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 250 kgs. Mahua Flower is said to have been recovered from the Pick-up Van 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 250 kgs. Mahua Flower is said to have been recovered from the Pick-up Van in question. The Pick-up Van in question does not belong 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 fardbeyn of the informant as per F.I.R. 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 Special Excise Judge, Patna, in connection with Masaudhi P.S. Case No. 487 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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