

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70041 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- RANIYATALAB District- Patna

1. Sunil Yadav, aged about 32 years, Male, S/o Rajendra Yadav, R/o Mohalla-Berar Tola, P.S.- Rani Talab, Distt- Patna.
2. Langar Yadav @ Sokil Yadav, aged about 34 years, Male, S/o Rajendra Yadav, R/o Mohalla- Berar Tola, P.S.- Rani Talab, Distt- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rana Baljit Singh, Advocate
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-04-2023 From perusal of the office notes dated 03.02.2023,

it is evident that the case diary has been received.

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners are apprehending their arrest in

connection with Rani Talab P.S. Case No. 190 of 2021, for

the offence registered under Section 30(a) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 50

kgs., Mahua Flower and 210 kgs., jaggery are said to have

been recovered from the joint family house of the

petitioners.



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 50 kgs., Mahua Flower and 210 kgs., jaggery are recovered from the joint family house of 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 secret information as per F.I.R. The source and genuineness of secret information 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/ 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 Judge, Excise Court, Patna, in connection with Rani Talab P.S. Case No. 190 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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