

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72963 of 2022

Arising Out of PS. Case No.-586 Year-2021 Thana- KOILWAR District- Bhojpur

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1. SANTOSH RAY @ SANTOSH KUMAR RAY, Male, aged about 25 years, Son of Janardan Ray, Resident of Village- Semra, P.S.- Barahara, District- Bhojpur.
 2. ARVIND PANDAY, Male, aged about 35 years, Son of Late Shivjee Panday, Resident of Village- Semra, P.S.- Barahara, District- Bhojpur.
 3. BADAN RAY, Male, aged about 45 years, Son of Sarvajeet Ray, Resident of Village- Semra, P.S.- Barahara, District- Bhojpur.
 4. VIDYA RAY, Male, aged about 48 years, Son of Late Nanda Ray, Resident of Village- Semra, P.S.- Barahara, District- Bhojpur.
 5. DINESH RAY @ DINESH KUMAR RAY, Male, aged about 38 years, Son of Akshay Kumar Ray, Resident of Village- Semra, P.S.- Barahara, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party	:	Mr. Nitya Nand Tiwary, 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 Koilwar P.S. Case No. 586 of 2021 for the offence registered under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 12 liters wine is said to have been recovered from the Diyara



situated by the side of the river.

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 12 liters wine is recovered from the Diyara situated by the side of the river. 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 co-accused. 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 Exclusive Special Excise Court No. II, Bhojpur at Ara, in connection with Koilwar P.S. Case No. 586 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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