

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72387 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Nagendra Yadav @ Kabutar Yadav, aged about 46 years (M), S/o Babulal Rai @ Babulal Yadav, R/o Village- Bhopatpur, P.S.- Kotwa, Distt- East Champaran.
 2. Satyendra Yadav, aged about 45 years (M), S/o Late Nand Kishore Rai, R/o Village- Jamunapur, P.S.- Jamunapur, Distt- East Champaran.
 3. Shashibhushan Yadav, aged about 32 years (M), S/o Ramnesh Rai, R/o village- Baluwa Tola, P.S.- Kalyanpur, Distt- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

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 Excise P.S. Case No. 259 of 2021 for the offence registered under Sections 30(a), 32, 41(i) and (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 5600 liters wine is said to have been recovered from the Truck 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 5600 liters wine is recovered from the Truck in question. The Truck 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 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 No. 2, Motihari, East Champaran, in connection with Excise P.S. Case No. 259 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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