

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4273 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- KALUAHI District- Madhubani

1. Manish Kumar Yadav @ Manish Yadav Son Of Teju Yadav @ Tejnarayan Yadav R/V- Nagirpur, P.S.- Rahika, Dist- Madhubani
2. Golu Singh @ Satish Kumar Singh @ Golu Kumar Singh Son Of Late Lalit Singh R/V- Kaluahi, P.S.- Kaluahi, Dist- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 120(B) of the Indian Penal Code and 30(a), 32(1)(2) and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 693.93 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 693.93 liters wine is recovered from



the house of co-accused Sitaram Yadav. The names of the petitioners have transpired on the basis of secret information as per F.I.R.. The source and genuineness of the 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 (Sweta Kumari versus 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, let 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum- Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 196/2022, G.R. No.



2028/2022, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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