

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3303 of 2023

Arising Out of PS. Case No.-988 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Sunil Sahani, aged about 35 years (Male), Son of Babulal Sahani, R/O Village- Jharibya, P.S.- Banjariya, District- East Champaran.
 2. Dhamu Kumar @ Dhamu Sah, aged about 22 years (Male), Son of Nagendra Sah, R/O Village- Jharibya, P.S.- Banjariya, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rahul Singh, Advocate
For the Opposite Party : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 As per office notes dated 11.01.2023, it has been pointed out that the last line of the earlier order of the learned Sessions Court was missing. The correct order was produced by learned counsel for the petitioners in the Court. Let it be kept on the record.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Turkauliya (Bangariya) P.S. Case No. 988 of 2022 for the offence registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 32, 34, 36, 41(i) and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The prosecution story, in brief, is that total 17.640 liters wine is said to have been recovered from the shops 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 17.640 liters wine is recovered from the shops in question. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case as the shops in question belong to joint family of the petitioners. 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. 1, Civil Court, East Champaran, Motihari, in connection with Turkauliya (Bangariya) P.S. Case No. 988 of 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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