

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.993 of 2023**

Arising Out of PS. Case No.-96 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Umesh Chaudhary, (aged about 43 years, Male), Son of Late Raja Chaudhary, Resident of Village - Simariya, P.S.- Belaganj, District - Gaya.
2. Sanjay Manjhi @ Sanjay Chaudhary, (aged about 40 years, Male), Son of Jatun Manjhi, Resident of Village - Simariya, P.S.- Belaganj, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Arvind Kumar Singh, Advocate  
For the Opposite Party : Mr. Mritunjay Kumar Nirala, 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 Khizer Sarai P.S. Case No. 96 of 2022 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 20 liters wine is said to have been recovered by the side of the river in an abandoned state.

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 20 liters wine is recovered by the side of the river in an abandoned state. 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 the local Choukidar. 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 Judge, Court No. 2, Gaya, in connection with Khizer Sarai P.S. Case No. 96 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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