

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61049 of 2017

Arising Out of PS. Case No.-126 Year-2017 Thana- MAINATAND District- West Champaran

1. Santosh Yadav, Son of Shankar Yadav, R/o Village- Basantpur, P.S.- Mainatand, District- West Champaran.
2. Md. Rafi, S/o Jabbar Mian,
3. Taiyab Mian, S/o Bhikhari Mian, Both are resident of Bhaluahiya, P.S.- Mainatand, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. AMIT KUMAR RAKESH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 84.30 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. The name of the petitioners has come on the basis of confessional statement of co-accused Maheshwar Yadav made



before police as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 84.30 liters wine is recovered from co-accused Maheshwar Yadav. 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.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

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 six 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 Special Judge, Excise, Bettiah, West Champaran in connection with Mainatand P.S. case No.126 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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