

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58045 of 2017

Arising Out of PS.Case No. -250 Year- 2017 Thana -VISHNUPAD District- GAYA

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1. Buta Yadav @ Kachhua Yadav, Son of Bhola Yadav,
2. Sanni Yadav, Son of Roundhu Yadav, Both resident of Village-
Khatakachak Naili P.S.- Vishnupad, District- Gaya.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The prosecution story, in brief, is that 9.750 litres of
liquor is said to have been 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
secret information as per the 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. It is alleged that 9.750 litres of liquor is recovered in front of the house of one Dwarika Rabidas in an abandoned stage. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Vishnupad P.S. Case No. 250/2017, 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), Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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