

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59691 of 2017

Arising Out of PS.Case No. -532 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

- =====
1. Ajay Kumar Son of Mithlesh Jaiswal @ Mithlesh Sah.
 2. Sunil Kumar Son of Tesan Choudary Both residents of Village - Triloki Nagar (Lal Bangla), P.S. - Dehri Nagar (Dalmianagar), District - Rohtas.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 30(a), 41(i), 38(i) and (ii)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 140 liters wine
is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. It is alleged that 140 liters wine is



recovered in abandoned stage by the side of Road. The name of the petitioners has come on the basis of confessional statement of co-accused 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. 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 or 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 the learned Additional Sessions Judge-II-cum-Special Court, Excise Act, Rohtas at Sasaram in connection with Dehri Nagar (Dalmianagar) P.S. Case No. 532 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)