

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7520 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- TAJPUR District- Samastipur

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1. Amrendra Kumar, Son of Shyam Sundar ram.
 2. Shyam Sundar Rai @ Shyam Sundar Ram Son of Hem Narayan Ram.
- Both are Resident of Village-Maricha, Police Station-Tajpur (Halai) in the District of Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. ANUJ KUMAR SRIVASTAVA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38(i)(ii), 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 750 ml. 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 transpired as the alleged recovery is said to have been made from the motorcycle



of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 750 ml. wine is recovered from the motorcycle in question. 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 Chief Judicial Magistrate, Samastipur in connection with Tajpur (Halai) P.S. Case No. 263 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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