

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40423 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -KORANSARAI District- BUXAR

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1. Munna Choudhary, Son of Sri Rudal Choudhory,
 2. Jatail Choudhory, Son of Sri Ranglal Choudhory, Both are R/o Vill+P.O.- Mathila, P.S.- Koran Saria, Distt- Buxar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajiv Ranjan Kr. Pandey, Advocate.

For the Opposite Party : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 941.760 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 941.760 liters wine is recovered from the *Khaliyan* of co-accused Pramod Kumar Singh. The name of the petitioners has come in the present case on the basis of disclosure made by accused persons who were arrested.



Subsequently, the accused persons who were arrested have not been made accused in the present case nor their name has been disclosed by the prosecution for the reasons best known to the prosecution. 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/ Complaint Case.

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 ADJ-II-Cum-Special Judge (Excise), Buxar, in connection with Koransarai P.S. Case No. 42 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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