

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41610 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

1. Raju Kahar son of Late Kedar Chandrabanshi.
2. Kallu @ Dharmendra Singh son of Late Kedar Chandrabanshi.
3. Babu Yadav son of Late Ram Lakhan Singh @ Late Lakhan Yadav. All are resident of Village- Amara, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 296.320 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 names of the petitioner have come on the basis of secret information as per 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 296.320 liters wine is recovered from the labour room 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./complaint case.

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 2nd Additional District & Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 160 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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