

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40863 of 2018

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1. Arbind Kumar Bharti @ Tinku Poddar @ Rinku Poddar, S/o Late Damodar Poddar.
 2. Ghanshyam Poddar, S/o Late Anuragi Poddar. Both are R/o Village - Batraha Ward No. 26, P.S. Saharsa, District - Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Harun Quareshi, Advocate.

For the Opposite Party : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 26-07-2018 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 28.115 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 28.115 liters wine is recovered from joint house of petitioner no. 2. The name of the petitioner no. 1 has come on the basis disclosure made by the local residents as per the F.I.R. The name



of the local residents, who have named the petitioner no. 1, has not been disclosed by the prosecution. The name of the petitioner no.2 has come in the present case on the basis of alleged recovery made from his joint house where other family members also reside. 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 2nd Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Special Case No. 276 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)