

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49458 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- HALSI District- Lakhisarai

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1. Prayag Yadav Son of Late Titu Yadav
 2. Anil Kumar @ Anil Yadav Son of Dukhi Yadav Both are residents of Village - Gulani, P.S. : Halsi, District : Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 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 & 290 of the Indian Penal Code and Sections 30(a), 38(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8 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 petitioners have transpired as the alleged recovery is made from the joint house of the petitioners where the other family members also reside. Except for this, there is no other substantive evidence



to suggest the implication of the petitioners in this case. It is alleged that 5 liters wine and 3 liters wine have been recovered from the joint houses of petitioner nos. 1 and 2 respectively as per the seizure list. 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 Additional District & Sessions Judge -II-cum-Special Judge, Excise, Lakhisarai in connection with Halsi P.S. Case No. 90/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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