

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49808 of 2018

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1. Manish Yadav,
2. Nimesh Yadav, Both are son of Kapil Yadav, Resident of Village-
Baghakul Tetariya, P.S.- Ara Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case
registered under Sections-30(a), 37(b) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 43.200 liters wine
is recovered.

It has been submitted on behalf of the petitioners that the
there is no allegation of tampering of witnesses alleged against the
petitioners. The name of the petitioner has transpired as recovery
is alleged to have been made from the field. Except for this, there
is no other substantive evidence to suggest the implication of the
petitioner in this case. It is alleged that 43.200 liters wine is
recovered from the field situated by the side of the brick kiln.



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 Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1039 of 2018 arising out of Ara Muffasil P.S. Case No. 217 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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