

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53088 of 2018

Arising Out of PS.Case No. -85 Year- 2018 Thana -GOPALPUR District- PATNA

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1. Chotu Kumar, aged about 23 Years S/o Sri Indar Kumar,
2. Dipu Kumar, aged 26 Years S/o Sri Jagdish Singh, Both R/o Vill.-
Mittanchak, P.S.- Gopalpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case, in short, is that 750 ml. 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 name of the petitioners has 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 750 ml. wine is recovered from Lalendra Kumar. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner 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, Patna in connection with Gopalpur P.S. Case No. 85 of 2018 (Arising out of Spl. Case No. 3839 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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