

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65877 of 2018

Arising Out of PS. Case No.-301 Year-2018 Thana- DEEPNAGAR District- Nalanda

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1. Deepak Kumar, s/o- Jagdish Yadav, r/o- village Bakra, P.S.- Giriyak, District- Nalanda.
 2. Juryodhan Paswan @ Jurjodhan Paswan, @ Jodhan Paswan, s/o- Kamu Paswan @ Kamo Paswan, r/o- village Sakaraul, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharmendra Kumar
For the Opposite Party/s :	Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-10-2018 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), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1350 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioners, 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 1350 liters wine is recovered by the bank of the river. 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 VIth Additional District & Sessions Judge-cum- Special Judge, Excise, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 301/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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