

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65347 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- DARAUNDA District- Siwan

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1. Dharamdev Thakur, Son of Shiv Shankar Thakur, resident of Village- Kachharipur, P.S.- Sonbarsha, District- Sitamarhi.
 2. Pramod Kumar Ray @ Pramod Ray, Son of Rampukar Ray @ Rampukar Yadav, Resident of Village- Rasulpur, P.S.- Daraundha, District- Siwan.
 3. Sunil Kumar, Son of Late Hira Singh, Resident of Village- Rasulpur, P.S.- Daraundha, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh
For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case, in short, is that on 2.1.2018 at about 9.00 a.m. the informant saw whats-app message on his mobile, in which photo of 4-5 persons having wine in the glass have been shown with a note written by someone against the Nitish Government and officials. In the said party Mukhiya, Panchayat Secretary and close relatives enjoyed wine with chicken. The informant made enquiry from Chaukidars and they identified to



be the petitioners in the photo.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The present case has been instituted merely on the basis of photograph which was on the whatsapp. There is no recovery of liquor in the present case. Except for the photograph, there is no other substantive evidence to suggest the implication of the petitioners in this case. The petitioners claim that the said photograph is manufactured one. Other co-accused has been granted anticipatory bail vide Cr.Misc.No.13117 of 2018.

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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Daraundha P.S. case NO.6 of 2018 of



2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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