

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63633 of 2018

Arising Out of PS. Case No.-169 Year-2018 Thana- CHAUTHAM District- Khagaria

1. Rikki Kumar S/o Pramod Sah
2. Fucho Sah S/o Late Bhoju Sah, both resident of village Telaunchh, P.S. Chatham, District Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioners and learned APP
for the State.

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

The prosecution case, in short, is that 414 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 petitioner. The name of the petitioner No.1 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. The name of petitioner No.2 has transpired in the present case as Dalan in question belongs to the joint family of the petitioner No.2. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 414 liters wine is recovered from the Dalan in question. 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-cum-Addl. Sessions Judge IInd, Khagaria in connection with Choutham P.S. case No.169 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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