

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69888 of 2018

Arising Out of PS. Case No.-231 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

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1. Yasin Ansari @ Yasin Mian, S/O Shamshul Mian @ Shamsuddin Mian.
 2. Pappu Ram, S/O Bodhnath Ram @ Bhotha Ram.
 3. Pramod Prasad @ Pramod Kumar, S/O Sunil Prasad. All are R/V- Gamhari, P.S. Baikunthpur, District-Gopalganj.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Harshvardhan Shivsundaram
For the Opposite Party : Mr. Binod Kumar 3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 94.05 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 2 and 3 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 94.05 liters wine is recovered from open field in question. The open field in question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure



made by co-accused Birendra Rai @ Virendra Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 or 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 the learned Second Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj, in connection with Baikunthpur P.S. Case No. 231 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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