

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69298 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- DARAUNDA District- Siwan

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1. Mukesh Yadav, Son of Ganesh Yadav.
 2. Niraj Kumar @ Niraj Prasad, Son of Awadehesh Prasad. Both Resident of Village-Balbangra, Police Station-Draunda, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-11-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273/34 of the I.P.C. and Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 327 liters wine is recovered.

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 name of the petitioners has transpired as the alleged recovery is made from the joint houses respectively of the petitioners where the other family members also reside.



Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 327 liters wine is recovered from the joint houses of the petitioners. 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 2nd Additional Sessions Judge II-cum-Special Judge, Excise, Siwan in connection with Draunda P.S. case No.158 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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