

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18198 of 2018

Arising Out of PS.Case No. -630 Year- 2017 Thana -BARBIGHA District- -

- =====
1. Durga Rajak @ Tutu
 2. Arun Ram
 3. Bholā Ram
 4. Pramod Kumar @ Chunni Sao @ Pramod &
 5. Sitra Kumar @ Situ Kumar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-03-2018 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 79.51 liters wine is recovered.

It has been submitted on behalf of the petitioners that 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 co-accused namely, Madan Sah. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 79.51



liters wine is recovered from the house of Madan Sah. 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) each with two sureties of the like amount each to the satisfaction of learned Ist Additional District & Sessions Judge, Sheikhpura in connection with Excise Case No. 839 of 2017 arising out of Barbigha (Mission O.P.) P.S. Case No. 630 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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