

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8739 of 2018

Arising Out of PS. Case No.-144 Year-2017 Thana- AWADPUR District- Katihar

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1. Vinod Kumar @ Vinod Kumar Bhagat, son of Late Ram Prasad Bhagat.
 2. Dhiraj Kumar Bhagat @ Aman Kumar Bhagat, son of Vinod Kumar @ Vinod Kumar Bhagat, Both are resident of Village- Alampur, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda

For the Opposite Party/s : Mr. SANJAY KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 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 2.250 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 petitioners has transpired as being the owner of pick up van. The said pick up van was used as a public carrier. The petitioners had no knowledge regarding the



nature of goods booked by the transporter. The pick up van was let out on rent to Dilip Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2.250 liters wine is recovered from a pick up van. 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 A.D.J. II-cum-Special Judge, Excise Act, Katihar in connection with Abadpur P.S. case No.144 of 2017, 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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