

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8309 of 2018

Arising Out of PS.Case No. -180 Year- 2017 Thana -MATIHANI District- BEGUSARAI

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1. Prabhakar Kumar @ Moni @ Mauni, Son of Ram Sewak Singh @ Nago Singh.
 2. Bipin Kumar Singh, Son of Bachchu Singh.
 3. Gautam Kumar, Son of Ram Uday Singh. All Residents of Village- Sihma, Utarwari Tola, Police Station- Matihani, District Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjana, Advocate.

For the Opposite Party : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1812.24
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioner no. 1 has got no criminal antecedent
and petitioner nos. 2 and 3 have got criminal antecedent. There is
no allegation of tampering with the witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 1812.24 liters wine is recovered from three different places. As far as petitioners are concerned, there is no recovery from conscious possession of the petitioners. The said recovery is said to have been made from co-accused Balo Yadav, Indal Yadav and from Truck in question. The name of the petitioners has come on the basis of disclosure made by the local *Chaukidar*. 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.

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 Additional Sessions Judge-VII-cum-Special Judge, Bihar Prohibition and Excise Act,



2016, Begusarai, in connection with Matihani P.S. Case No. 180 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

