

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2198 of 2018

Arising Out of PS. Case No.-150 Year-2017 Thana- DESARI District- Vaishali

1. Paramtosh Kumar Singh
2. Ashutosh Kumar Singh @ Ashutosh Kumar, both sons of Rabindra Prasad Singh, both resident of village Khoksa Bujurg, P.S. Desari, Dist. Vaishali
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur
For the Opposite Party/s : SMT RENU KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 323, 324, 307, 341, 332 of the I.P.C. and Sections 30(A), 38(1)(2) and 45 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 141.480 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 petitioners. The name of the petitioners has transpired into this case only on the basis that the alleged recovery has been made from the shop of the petitioner. The said shop in question has



been let out by the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 141.480 liters wine is recovered from the shop in question. 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 Additional Sessions Judge 2nd-cum-Special Judge, Vaishali at Hajipur in connection with Desari P.S. case No.150 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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