

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22238 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

- =====
1. Sanjay Yadav.
 2. Ajay Yadav. Both S/o Balkeshwar Yadav, Resident of Village-Belahi,
P.S.-Magadh Medical, District-Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 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 Sections 30(i), 38(i), 41(i) and 47
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 148.5
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.
There is no allegation of tampering with the witnesses alleged
against the petitioners. It is alleged that total 148.5 liters wine is
recovered from wheat field in question. The name of the



petitioners has come on the basis of alleged recovery made from wheat field of the petitioners. 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/ Complaint Case.

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 Special Excise Judge, Gaya, in connection with Magadh Medical P.S. Case No.- 42 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)