

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16394 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- NOKHA District- Rohtas

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1. Ram Pravesh Singh Choudhary @ Ram Pravesh Choudhary @ Ram Pravesh Singh, S/o Late Ram Adalat Singh,
 2. Saryug Choudhary S/o Late Narain Choudhary, Both R/o Village- Gudiyapar (Ratanpura), P.S.- Nokha, District- Rohtas.
 3. Lallu Choudhary S/o Late Kunwar Choudhary, R/o Village- Thekahi, Balirampur, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. NAWAL KISHORE PRASAD

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 120B of the Indian Penal Code and Sections 30, 33 and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 300 liters spirit 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 names of the petitioners have transpired on the basis of disclosure made by the co-accused namely Gopal Choudhary @ Gopal Singh. Except for



this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 300 liters spirit is recovered from the house of Gopal Choudhary @ Gopal Singh. 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/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 2nd Additional Sessions Judge-cum- Special Judge, Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No. 51/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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