

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19163 of 2018

Arising Out of PS.Case No. -344 Year- 2017 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

- =====
1. Vikash Kumar Son of Gopal Singh
 2. Gajendra Singh @ Baudha Son of Late Alakhdeo Singh Both Resident of Village-Basti, P.S.-Harnaut, District-Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Diwakar Upadhyaya, Advocate.

For the Opposite Party : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 860 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. 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 860 liters wine is recovered from Pick-up Van in question. The



vehicle in question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure made by co-accused Prem Kumar Paswan. 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 6th Additional District and Sessions Judge-cum-Special Judge (Excise), Nalanda, Bihar Sharif or successor court, in connection with Harnaut P.S. Case No. 344/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)