

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18870 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -TANDWA District- AURANGABAD

- =====
1. Satyendra Singh, S/o Late Nagdeo Singh,
 2. Manoj Singh @ Manoj Singh S/o Late Suresh Singh, Both R/o village- Ghurapurendra, P.S.- Tandwa, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : M/S. Bhaskar Shankar, Mithilesh Kumar
Singh and Saket Kumar Singh, Advocates.
For the Opposite Party : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2018 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(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 170 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no 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 170 liters



wine is recovered. Out of which, 150 liters wine is recovered from open *Khaliyan* of petitioner no. 1. The name of petitioner no. 2 has come on the basis of disclosure made by co-accused Laxman Singh and Lallu Kumar Singh. As far as petitioner no. 1 is concerned, his name has come in the present case on the basis of alleged recovery made from his open *Khaliyan*. 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 Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Tandwa P.S. Case No. 07/2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

