

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7527 of 2018

Arising Out of PS. Case No.-261 Year-2017 Thana- BIHARIGANJ District- Madhepura

1. RAJU @ RAJESH YADAV @ RAJESH KU. YADV Son of-Late Kokai Yadav,
2. Retesh Sah @ Ritesh Raj, Son of-Mahakant Sah, Both Resident of Village-Tulsia, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. PREM KUMAR JHA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 14.6 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 on the basis of disclosure made by the co-accused Abhishek Kumar and Pappu Kumar Sah. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 14.6 liters wine is recovered from the possession of co-accused Abhishek Kumar and Pappu Sah. 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 petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, 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 Sri Abhimanyu Kumar, Judicial Magistrate, 1st Class, Udakishunganj, District-Madhepura in connection with Bihariganj P.S. Case No. 261 of 2017(G.R. No. 1091/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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