

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.17119 of 2018**

Arising Out of PS.Case No. -30 Year- 2018 Thana -BELAGANJ District- GAYA

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1. Ripu Yadav, son of Binay Yadav, Resident of Village- Birbal Bigha, P.S. Belaganj, District Gaya.
  2. Dinesh Chaudhary @ Dinesh Manjhi, son of Bijul Manjhi @ Bijul Chaudhary, Resident of Village- Imalia Chak, P.S. Belaganj, District- Gaya.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Syed Ehteshamuddin, Advocate.

For the Opposite Party : Mr. Ganesh Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      27-03-2018      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 8 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 8 liters wine is recovered from a bush which is situated by the side of river. The



name of the petitioners has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents who have named the petitioners has not been disclosed by the prosecution. 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 Judge (Excise), Gaya, in connection with Belaganj P.S. Case No. 30 of 2018 (G.R. No. 753 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)**