

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22596 of 2018

Arising Out of PS. Case No.-479 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

1. Ram Kailash Choudhary, S/o Late Kuljan Chaudhary,
2. Anil Kumar S/o Sri Jagu Choudhary, Both are R/o Siary Mathiya.
3. Rakesh Choudhary S/o Hareram Choudhary, R/o Vill.- Sarsar All are of P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-04-2018 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, 308, 420 of the I.P.C. and Sections 41(1), 30(a)(b)(c), 35 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 75 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 petitioner has come on the basis of secret information as per F.I.R. The source and genuineness of



the secret information 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. It is alleged that 75 liters wine is recovered from the house of Jagu Choudhary. 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.

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) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Siwan in connection with Siwan Mufassil P.S. case No.479 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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