

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25362 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Vikee Arora Son of Anop Cherkhear Resident of Village- Ghagha Gali, P.S. Chowk, District- Patna.
 2. Jaykant Rai Son of Sajeewan Rai Resident of Mangal Tabal, Domkhana, P.S. Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioners and learned APP for the State.

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

The prosecution case, in short, is that 7 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the seizure list witness. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is



alleged that 7 liters wine is recovered from a *gali* situated in Choudhary Tola in an abandoned state. 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/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 learned Special Judge, Excise, Patna in connection with Special Case No. 98/2018 (arising out of P.R. Case No. 466/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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