

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22753 of 2018

Arising Out of PS. Case No.-380 Year-2017 Thana- BASANTPUR District- Siwan

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1. Shambhu Choudhary Son of Jiut Chaudhary
 2. Satyendra Chaudhary @ Satyendra Kumar Son of Jiut Chaudhary
- Both residents of village Khawaspur Pasi Tola, P.S. Basantpur (Lakari Nabiganj O.P.), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Smt. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 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 of the Indian Penal Code and Section 34(B), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 50 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 names of the petitioners have transpired on the basis of disclosure made by the local Chowkidar. Except for



this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 50 liters wine is recovered from the abandoned field by the side of the house of the petitioner. The open field in question does not belong to the petitioner. 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, Siwan in connection with Basantpur P.S. Case No. 380 of 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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