

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2065 of 2018

Arising Out of PS.Case No. -244 Year- 2017 Thana -BELAGANJ District- GAYA

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1. Dheeraj Yadav, Son of Rajan Yadav.
 2. Rajoo Yadav, Son of Naresh Yadav @ Kushu Yadav.
 3. Anil Yadav, Son of Rajdeo Yadav.
 4. Sunil Yadav, Son of Rajdeo Yadav.
 5. Sanjay Yadav, Son of Devan Yadav. All are residents of Village- Dalli Bigha, P.S. Belaganj, District-Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kunwar Narayan Jamuar, Advocate.

For the Opposite Party : Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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) and (B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 120 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 120 liters wine is recovered by the bank of river in abandoned stage. The name of the petitioners has transpired in the present case on the basis of secret information as per the F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. 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 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 Excise Judge, Gaya, in connection with Belaganj P.S. Case No. 244 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)