

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24105 of 2018

Arising Out of PS. Case No.-245 Year-2017 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Sagar Bin Son of late Dhora Bin
 2. Rajdeo Bin Son of late Goga Bin Both Resident of Village-
Pacharhata, P.S. G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

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 Sections 272, 273 and 308 of the Indian Penal Code and Sections 34, 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 10 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 as the alleged recovery is made from the joint house of the petitioners where the other family members also reside. Except for this, there is no other substantive evidence



to suggest the implication of the petitioners in this case. It is alleged that 10 liters wine is recovered out of which 2 liters wine each has been recovered from petitioner nos. 1 and 2 from their joint houses. 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Siwan in connection with G.B. Nagar P.S. Case No. 245/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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