

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26160 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- KALYANPUR District- Samastipur

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1. Satrudhan Rai @ Shatrudan Ray, S/o Devendra Rai,
 2. Vijay Sah S/o Mahendra Sah, Both are Residents of Vill.- Tira Jatmalpur, P.S.- Kalyanpur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 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 of the Indian Penal Code and Sections 38, 47, 30(a), 38(1) and 38(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 424 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 residents. The name of local residents, who have named the petitioners, 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 424 liters wine is recovered from the dilapidated godown of one Vijay Sah. 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 A.D.J.-VI-cum- Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 10/2018 (G.R. No. 44/2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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