

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27768 of 2018

Arising Out of PS.Case No. -1579 Year- 2017 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Deshraj Singh @ Desh Ram Singh, Son of Shankar Singh.
 2. Kamakhya Narain Singh @ Bhuar @ Kamakhya Narain, Son of Rajendra Singh, Both are residents of Village- Vazirganj, P.S.- Sasaram (Muffasil), District- Rohtas at Sasaram.

.... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioners : Mr. Dharmendra Kumar Singh, Advocate.

For the State : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-05-2018 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 Sections 30(a)/34 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 180 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 180 liters wine is recovered from the abandoned labourer room. The name of the petitioners has come on the basis of secret information



as per F.I.R. The source and genuineness of secret information 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. 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 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 1579 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)