

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29304 of 2018

Arising Out of PS. Case No.-804 Year-2017 Thana- HAJIPUR District- Vaishali

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1. Upendra Rai, S/o Charan Rai, R/o Vill.- Sikandara Darvesh ,
P.S.- Dariyapur, District- Chapra.
 2. Umesh Rai S/o Sabha Rai, R/o Vill.- Manpura, P.S.- Dariyapur,
District- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 188, 120(B) of the Indian Penal Code and Sections 30 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4824 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 co-accused namely Amar Math Mahto. Except for this, there is no other substantive evidence to



suggest the implication of the petitioners in this case. It is alleged that 4824 liters wine is recovered from the truck in question. The truck 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 2nd Additional Sessions Judge -cum- Special Judge, Vaishali, Hajipur in connection with Hajipur Town P.S. Case No. 804/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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