

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29935 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. Pawan Kumar
2. Rahul Kumar Both Sons of Jitendra Prasad Resident of Village Parsauni Khas, Police Station Uchkagaon, at Present residing at Sasamusa, Police Station Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 384 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired as the petitioners are alleged to be the tenant of the premises in question. Except for ocular evidence, there is no documentary evidence to suggest that the petitioners are the tenants of the



premises in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 384 liters wine is recovered from the godown in question. 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/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 District and Sessions Judge IInd-cum-Special Judge, Gopalganj in connection with Kuchaikot P.S. case No.41 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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