

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.881 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- DALSINGHSARAI District- Samastipur

1. Shiv Shankar Ray, S/o Late Ramasish Ray, R/o Village- Kewta, Ward No.2, P.S.- Dalsingsarai, District- Samastipur.
2. Randheer Rai, S/o Devendra Rai, R/o Village- Dhelpura, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar

For the Opposite Party/s : Mr. ANISH CHANDRA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 06-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 467, 468, 469, 471 of the I.P.C. as well as 25(1-b)a/26/27/35 of the Arms Act and Section 30(a)/38(i)(ii)/39(a)/41(a) of the Bihar Prohibition and Excise Act, 2016.

The Prosecution case, in short, is that 360 ml wine is recovered.

It has been submitted on behalf of the petitioner that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the basis of disclosure made by the local residents as per F.I.R. 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 360 ml wine is recovered from the car. The car in question does not belong to the petitioners. 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) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Samastipur in connection with Dalsingsarai P.S. case No.165 of 2017 bearing G.R. No.1560 of 2017, 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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