

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.38383 of 2018**

Arising Out of PS.Case No. -87 Year- 2018 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Radhey Shyam Gupta,
  2. Pawan Kumar Gupta @ Vikky Gupta, Both sons of Ganesh Sah,  
Resident of Village- Khajuriya, P.S.- Sidhwalia, District- Gopalganj.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Mritunjay Prasad Singh, Advocate.

For the Opposite Party : Mr. Anil Kumar Singh 1, APP 232

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      11-07-2018      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 Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 34.20  
liters wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioners that the petitioner no. 2 has got no criminal antecedent.  
There is no allegation of tampering with the witnesses alleged  
against the petitioners. It is alleged that total 34.20 liters wine is  
recovered from open field of Sri. Bhagwan Patel. The name of the  
petitioners has come on the basis of disclosure made by the co-



accused Azmuddin Hussain. 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 C.J.M. Gopalganj, in connection with Sidhwalia P.S. Case No. 87 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

U.K./Abhijeet-

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