

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38346 of 2018

Arising Out of PS.Case No. -106 Year- 2018 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Birendra Ray, Son of Chandrika Ray,
 2. Sanu Ray, Son of Birendra Ray, Both resident of Village- Sonwalia,
P.S.- Baikunthpur, District- Gopalganj. Petitioners
- Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioners : Mr. Naresh Prasad, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, APP8

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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 Sections 420, 308/34 of the IPC
and 30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 600 liters
spirit 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 600 liters spirit is
recovered from Brick-kiln in question. The name of the petitioners
has come on the basis of disclosure made by the local residents as
per the F.I.R. The name of the 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. 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 2nd Additional Sessions Judge-cum-Special Judge, Gopalganj, District-Gopalganj, in connection with Baikunthpur P.S. Case No. 106 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)