

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38634 of 2018

Arising Out of PS.Case No. -170 Year- 2018 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Manoj Kumar Gupta, S/o Kailash Prasad Sah, R/o Vill.- Hathsarganj,
P.S.- Hajipur Town, District- Vaishali.
2. Munna Singh S/o Avadhesh Singh, R/o Vill.- Balwa Kuari, P.S.- Hajipur
Sadar, District- Vaishali.
3. Ashok Kumar @ Manjay Rai, S/o Sachidanand Prasad Rai, R/o Vill.-
Sonepur, P.S.- Sonepur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 143, 144, 145, 186, 188, 419, 420, 332, 353, 307, 504, 506, 66(A) of the Indian Penal Code and ¾ of Bengal Public Gambling Act, 3 of Lottery Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 380 ml. 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 name of the petitioners has transpired on the basis of suspicion. It is alleged that the petitioners were seen fleeing away from the place of occurrence. Source of identification has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 380 ml. wine is recovered from the mango orchard. The mango orchard in question does not belong to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner 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 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 170 of 2018, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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