

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38677 of 2018

Arising Out of PS.Case No. -115 Year- 2018 Thana -KHAGGAUL District- PATNA

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1. Sikandar Yadav, S/o Rajnish Yadav, R/o Dalluchak, P.S.- Khagaul, District- Patna.
 2. Golu Kumar S/o Ashok Kumar @ Ashok Kumar Singh, R/o Lakhni Bigha, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 243 liters 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information 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 243 liters wine is recovered from two different vehicles. The vehicles in question do 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 Special Judge, Excise Act, Patna in connection with Special Case No. 4392 of 2018 arising out of Khagaul P.S. Case No. 115 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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