

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42942 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- BANIAPUR District- Saran

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1. Niraj Panheri,
 2. Dharmendra Panheri, Both Son of Kanhaiya Panheri @ Kanhaiya Bhagat, R/o Vill.- Lawan Kala, P.S.- Baniyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Smt Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4.880 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired as the alleged recovery is made from the open field situated by the side of the house of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners



in this case. It is alleged that 4.880 liters wine is recovered from the open field in question. 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) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Saran in connection with Baniyapur P.S. case No.158 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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