

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62927 of 2017

Arising Out of PS.Case No. -304 Year- 2017 Thana -BIHTA District- PATNA

- =====
1. Bipin Rai @ Vipin Rai, S/o Late Nagina Rai.
 2. Baban Rai, S/o Rama Nand Bhagat, Both are residents of Village Daulatpur, Police Station- Bihta, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar, Advocate.

For the Opposite Party : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018 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 272, 273 of the IPC and 30(a) and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 50 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 50 liters wine is recovered from different places. The name of the petitioner has come on the basis of disclosure made by the co-accused. 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.

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 8th Additional District & Sessions Judge, Patna-cum-Special Judge (Excise), Patna, in connection with Bihta P.S. Case No. 304 of 2017, corresponding to Spl. Case (Excise) No. 1314 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

