

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63476 of 2017

Arising Out of PS.Case No. -162 Year- 2017 Thana -MOKAMAH District- PATNA

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1. Sonu Kumar,
 2. Kundan Kumar, Both sons of Mr. Krishnandan Singh @ Kesho Singh, resident of village- Barahpur Naya Tola, Madhurapur, P.S.- Mokama, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Deepak Kumar Sinha, Advocate.

For the Opposite Party : Smt Indu Kumari Srivastava, 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 34.740 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 34.740 liters wine is recovered by the side of river on Boat. The Boat in question does not belong to the petitioners. The name of the petitioners has



come on the basis of secret information as per the 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. 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 A.D.J.-VIII-cum-Special Court (Excise), Patna, in connection with Mokama P.S. Case No.162 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)