

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.638 of 2018

Arising Out of PS.Case No. -58 Year- 2017 Thana -NTPC KHAIRA District- AURANGABAD

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1. Munna Chauhan son of Gopal Chauhan
2. Vijay @ Master Chauhan @Master, Son of Madan Chauhan, Both are
resident of Village- Mahuari, P.S.- Nabinagar, District- Aurangabad.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy

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

The prosecution story, in brief, is that 60 litres of wine
is said to have been recovered from motorcycle in question.

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
disclosure made by local residents, as per F.I.R. The name of
local residents who have named the petitioners 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 60 litres of wine is recovered from motorcycle in question. The said motorcycle does not belong to the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with N.T.P.C. Khaira P.S. case No.58/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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