

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43448 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- JANTA BAZAR District- Saran

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1. Dharam Singh, Son of Nandu Singh,
 2. Suresh Yadav, Son of Late Saral Yadav, Both residents of Village- Panditpur, Police Station- Janta Bazar, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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 188, 272, 273/34 of the Indian Penal Code and Sections 30, 38, 41, 44, 52 and 66 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 100 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 names of the petitioners have transpired on the basis of disclosure made by co-accused namely Lakhan Kumar. Except for this, there is no other substantive evidence to suggest



the implication of the petitioners in this case. It is alleged that 100 liters wine is recovered from the tempo in question. The tempo in question does not belong to the petitioners. 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./complaint case.

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 6th Additional district Judge, Saran at Chapra in connection with Janta Bazar P.S. Case No. 59 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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