

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45233 of 2018**

Arising Out of PS. Case No.-107 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

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1. Achchhe Lal Rai @ Rajan Kumar son of Late Shiv Bachan Rai
  2. Chhote Lal Rai son of Late Shiv Bachan Rai, both are resident of village Bahrapur, P.S. Baikunthpur, District Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      25-07-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 420, 308/34 of the I.P.C. and Sections 30(a), 41(1)(II) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 91 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 joint house of the petitioners where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 91 liters wine is recovered from the joint house of 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.

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 2<sup>nd</sup> Addl. Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur P.S. case No.107 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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