

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45118 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

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1. Ramayan Rai, S/o Late Shiv Bachan Ray,
 2. Mithlesh Rai S/o Ramayan Rai, Both are R/o Vill.- Dubouli,
P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Counsel for the petitioners seeks permission to withdraw the
present application on behalf of petitioner No.2.

Permission is accorded.

The application on behalf of petitioner No.2 is dismissed as
withdrawn.

Heard learned counsel for the petitioner No.1 and learned APP
for the State.

The petitioner No.1 is apprehending his arrest in a case
registered under Sections 308, 420/34 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 3549 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there is no
allegation of tampering of witnesses alleged against the petitioner.



The name of the petitioner has transpired as the alleged recovery is made from the field belonging to the joint family property of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3549 liters wine is recovered from the field belonging to the joint family property of 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 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.1, 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 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur P.S. case No.60 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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