

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45433 of 2018

Arising Out of PS. Case No.-90 Year-2018 Thana- RAGHUNATHPUR District- Siwan

1. Mehadi Hassan S/o Mohammad Salim Ansari
2. Mohd. Salim @ Salim Ansari S/o late Dillu Ansari, both R/o of village Khujhwa, P.S. Raghunathpur, District Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 308/34 of the I.P.C. and Sections 30(A)/38(A)/41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 34.560 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 name of the petitioners has come on the basis of secret information as per 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. It is alleged that 34.560 liters wine is recovered from the side of the flour mill of Nand Lal Gupta. 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 Addl. Sessions Judge II-cum-Special Judge, Excise, Siwan in connection with Raghunathpur P.S. case No.90 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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