

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44639 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Habibullah @ Md. Habibullah, S/O Kalimullah.
 2. Danish @ Danish Bin Habib, S/O Habibullah @ Md. Habibullah. Both residents of Village- Moharpur Bari Takiya, P.S. Muffasil, District-Siwan. At present resident of Sasamusa Sugar Factory, P.S. Kuchaikot, District-Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Pandey, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a) (b)(c), 38 and 41(a)(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 16.380 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 16.380 liters wine is recovered from the quarter in question. The name of the petitioners has come in the present case as abandoned quarter is



alleged to be in possession of the petitioners. The petitioners deny to be in possession of the quarter in question. They have got no concern with the said quarter. The said assumption has been drawn merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 or 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 the learned A.D.J.-II-cum-Special Judge, Excise, Gopalganj, in connection with Kuchaikot P.S. Case No. 137 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)