

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48182 of 2018

Arising Out of PS. Case No.-106 Year-2018 Thana- RAMGARHWA District- East
Champaran

-
1. Vicky Saraf,
 2. Vikash Saraf,
 3. Rajababu Saraf @ Rajababu Kumar, All are S/o Jitendra Saraf @ Jitendra Prasad, R/o Village- Ramgarhwa Bazar, P.S.- Ramgarhwa, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-08-2018 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 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 31.5 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 petitioner no. 3 has transpired as the car in question belongs to him. The said car is run as taxi by the driver of the petitioner no. 3. As far as petitioner nos. 1 and 2 are concerned, the same is on the basis of secret information. 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 31.5 liters wine is recovered from the car in question. 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 7th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran at Motihari in connection with Ramgarhwa P.S. Case No. 106/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

