

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49939 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- KARAI PARSARAI District- Nalanda

1. Gabbar Gop @ Gabbar Yadav, S/o Late Vijay Gop @ Late Vijay Yadav, R/o Vill.- Jharhapar, P.S.- Karai Parsurai, Distt.- Nalanda.
2. Lutan Gop S/o Mathura Gop , R/o Vill.- Domanbigha, P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh
For the Opposite Party/s : Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2018 Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.1.

Permission is accorded.

The application on behalf of petitioner No.1 is
dismissed as withdrawn.

Heard learned counsel for the petitioner No.2 and
learned APP for the State.

The petitioner No.2 is apprehending his arrest in a case
registered under Section 30(A) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 16 liters wine is
recovered.



It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.2. The name of the petitioner No.2 has come on the basis of disclosure made by the local residents as per F.I.R. The name of local residents, who have named the petitioner, has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.2 in this case. It is alleged that 16 liters wine is recovered from the the side of the road. Nothing incriminating has been recovered from the conscious possession of the petitioner No.2. The petitioner No.2 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 No.2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.2, 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



Vlth Addl. District & Sessions Judge-cum-Special Judge,
Excise, Nalanda at Biharsharif in connection with Karai
Parsurai P.S. case No.65 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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