

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52766 of 2018

Arising Out of PS. Case No.-192 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. Kanhaiya Sah @ Kanhaiya Sao,
 2. Mahesh Sah @ Mahesh Sao Both Sons of Late Bhagwat Sao,
Both Residents of Mohalla- Pokharia, Nawav Chowk near S.B.I.
Main Branch, Ward No. 35, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 720 ml wine is recovered.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent and there is no allegation
of tampering of witnesses alleged against the petitioners. The name
of the petitioners has transpired as the alleged scooty in question
belongs to the petitioner No.1. The name of petitioner No.2 has
transpired in this case as he is the brother of petitioner No.1. Except
for this, there is no other substantive evidence to suggest the
implication of the petitioners in this case. It is alleged that 720 ml



wine is recovered from the scooty 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 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Begusarai in connection with Excise case No.192-C2 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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