

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55877 of 2018

Arising Out of PS.Case No. -5 Year- 2016 Thana -BARBIGHA District- SEKHPURA

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1. Vinod Chaudhary, S/o Late Mishri Chaudhary,
2. Mantu Chaudhary, S/o Late Mishri Chaudhary,
3. Ashok Chaudhary, S/o Saryug Chaudhary,
4. Aslesh Chaudhary, S/o Saryug Chaudhary,
5. Munshi Chaudhary, S/o Late Samo Chaudhary, All R/o Ramjanpur, P.S.-
Barbigha, Dist- Sheikhpura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and 47(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 50 liters 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. Except for this, there is no other substantive evidence



to suggest the implication of the petitioners in this case. It is alleged that 50 liters wine is recovered from three different houses. 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. The case is of the year, 2016.

Considering the fact that the case is of the year, 2016 and petitioners, for the first time, have approached this Court in the year, 2018 this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail of the petitioners in connection with Excise Case No. 753 of 2017 arising out of Barbigha P.S. Case No. 05 of 2016 is rejected.

If the petitioners surrender in the court below and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order and shall be disposed of preferably, on the same day.

(Sudhir Singh, J)

A.K.V./-

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