

Criminal Miscellaneous No.56654 of 2018

1. Milan Choudhary, S/o Late Gaya Choudhary @ Gayanand Choudhary, R/o Vill.- Koath, P.S.- Dawath, District- Rohtas.
2. Biru Choudhary S/o Late Ram Rahat Choudhary @ Ram Rahasya Choudhary, R/o Vill.- Gangati, P.S.- Dawath, District- Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

For the Petitioners : Mr. Rajani Kant Singh, Advocate.
For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

2 26-09-2018 Learned counsel for the petitioners is permitted to
make necessary correction in paragraph no. 15 of the petition, in
course of the day.

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

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 198.72 liters wine is recovered by the side of road. The name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of 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. 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 Additional Sessions Judge-II-cum-Special Court, Excise, Rohtas at Sasaram, in connection with Dawath P.S. Case No. 49 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)

