

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64436 of 2018

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1. Chandan Kumar, Son of Ram Krit Singh, Resident of Village- Dobhi, P.S.- Dobhi, District- Gaya.

2. Deepak Kumar @ Deepak Kumar Kesari, Son of Krishna Saw @ Krishna Prasad Kesari, Resident of Village- Tulbul, P.S.- Rajpur, District- Chatra (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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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 12-10-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 414/34 of the Indian Penal Code and Section-30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 320 kg. Mahua flower is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired on the basis of disclosure made by the co-accused Bipul Kumar. Except for this, there is no



other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 320 kg. Mahua flower is recovered from Bipul Kumar. 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.

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 Special Excise Judge, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 497 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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