

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65264 of 2018

Arising Out of PS. Case No.-640 Year-2016 Thana- HAJIPUR District- Vaishali

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1. Rajeshwar Rai Late Shobit Rai
 2. Ashok Rai
 3. Pappu Kumar Both sons of Rajeshwar Rai All Resident of Village- Panapur Dilawarpur, P.S. Bidupur, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 342, 323, 504, 506, 379/34 of the Indian Penal Code and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.5 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is a case and counter case instituted prior to the institution of the present case. Because of enmity, a



false case has been instituted implicating the petitioner and other accused persons in the present case. It is alleged that 1.5 liters wine has been produced by the informant alleging that same was given to him by the accused persons. No liquor is alleged to have been recovered from the conscious possession of the petitioner. 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/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 Additional Sessions Judge -II-cum- Special Judge, Excise, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 640/16, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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