

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66585 of 2018

Arising Out of PS.Case No. -376 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

- =====
1. Karu Yadav, S/o Vimal Yadav,
 2. Laxman Paswan, S/o Ganouri Paswan
Both residents of Village-Spah, P.S. Deep Nagar, District-Nalanda &
 3. Saryug Paswan, Son of Ram Balak Paswan, Resident of Village-
Sosandi, P.S. Rahui, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-10-2018 At the outset, it has been submitted that during pendency of this application, the petitioner No. 1 has died and hence, this application with regard to petitioner No. 1 has become infructuous.

Accordingly, this application with regard to petitioner No. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 2 & 3 and learned APP for the State.

The petitioner Nos. 2 & 3 are apprehending their arrest in a case registered under Sections-30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 48 liters wine is



recovered.

It has been submitted on behalf of the petitioner Nos. 2 & 3 that the petitioner Nos. 2 & 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 2 & 3. The name of the petitioner Nos. 2 & 3 has transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioner Nos. 2 & 3, has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner Nos. 2 & 3 in this case. It is alleged that 48 liters wine is recovered by side of the river. Nothing incriminating has been recovered from the conscious possession of the petitioner Nos. 2 & 3. The petitioner Nos. 2 & 3 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 petitioner Nos. 2 & 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 2 & 3, 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 6th Additional Sessions Judge-cum-Special Judge, Excise, Nalanda at Bihar Sharif in connection with Deep Nagar P.S. Case No. 376 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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