

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69160 of 2018

Arising Out of PS. Case No.-197 Year-2018 Thana- SOHSARAI District- Nalanda

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1. Raj Kumar Yadav @ Chuha, son of Shidheshwar Yadav, resident of Village- Loggani, P.S. Sohsarai, District- Nalanda.
 2. Banti Tanti, son of Kedar Prasad @ Kedar Tanti, resident of Mohalla-Jalalpur, P.S. Sohsarai District- Nalanda.
 3. Karu Paswan, son of Ram Prasad Paswan, resident of Mohalla Khashganj, P.S. Sohsarai, District- Nalanda.
 4. Md. Jahid, son of Late Makbul, resident of Mohalla Khashganj, P.S. Sohsarai, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sudish Kumar, Advocate.

For the Opposite Party : Smt. Veena Rani Prasadd, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2 Banti Tanti as he has already been taken into judicial custody in connection with Sohsarai P.S. Case No. 197 of 2018, pending in the court of learned 6th Additional District and Sessions Judge-cum-Special Judge, Excise, Nalanda, Bihar Sharif.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2 Banti Tanti is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 3 and



4 and learned counsel for the State.

The petitioner nos. 1, 3 and 4 are apprehending their arrest in a case for the offence registered under Sections 30(a) and 38 of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 72 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner nos. 1, 3 and 4 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner nos. 1, 3 and 4. It is alleged that total 72 liters wine is recovered from open field in question. The open field in question does not belong to the petitioner nos. 1, 3 and 4. The name of petitioner nos. 1, 3 and 4 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 petitioner nos. 1, 3 and 4 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner nos. 1, 3 and 4. The petitioner nos. 1, 3 and 4 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. 1, 3 and 4 are named in the F.I.R./Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 3 and 4 (except petitioner no. 2 Banti Tanti) 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 learned 6th Additional District & Sessions Judge-cum-Special Judge, Excise, Nalanda, Bihar Sharif, in connection with Soh Sarai P.S. Case No. 197 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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