

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75428 of 2018

Arising Out of PS. Case No.-230 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Krishna Singh, S/o Dharm Nath Singh, Resident of Village-Sonawalia, P.S. Baikunthpur, District-Gopalganj.
2. Baban Ray, S/o Har Narayan Ray, Resident of Village-Faijullahpur, P.S. Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections-420, 34 of the IPC and Sections-30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1379 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 name of the petitioners has transpired in this case on the basis of secret information. The source and genuineness of the 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. It is alleged that 1379 liters wine is recovered from the truck in question. The truck, in question does not belong to the petitioners. 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 Additional Sessions Judge-II-cum-Special Judge-cum-Custom, Gopalganj, in connection with Baikunthpur P.S. Case No. 230 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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