

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56382 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Manoj Chaudhary, S/o Late Bindeshwari Chaudhary, R/o Vill.- Bahadur Nagar, P.S.- Muffasil, District- Munger, Presently residing in Moghalsarai Road Panchbir (Hajipur), P.S.- Sahebpur Kamal, District- Begusarai.
 2. Chandan Chaudhary @ Chandan Kumar S/o Kapildeo Chaudhary, R/o Vill.- Bahadur Nagar, P.S.- Muffasil, District- Munger, at present residing at Moghalsarai Road, Panchbir (Hajipur), P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Sri Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-11-2018 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, 120(B), 34 of the Indian Penal Code and 30(A), 32(3), 34(B), 36, 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 954 liters wine 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 names of the petitioner no. 1 has come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. The name of petitioner no. 2 has transpired as the alleged recovery is made from the joint house of the petitioner no. 2 where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 954 liters wine is recovered from the joint house of petitioner no. 2, a Bollero vehicle and a pick up van. The Bollero vehicle and the pick up van in question do 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./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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Begusarai in connection with Sahebpur Kamal P.S. Case No. 181 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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