

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47486 of 2018

Arising Out of PS.Case No. -243 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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1. Arjun Rai, S/o Late Kirpali Rai,
2. Ramakant Rai S/o Late Awadh Lal Rai, Both R/o Vill.- Mahishari, P.S.-
Ujiarpur, Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-30(a), 38(i),(ii), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 555 ml. 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 name of the petitioners has transpired on the basis of disclosure made by the co-accused namely, Laldeo Singh and Ajeet Singh. Except for this, there is no other substantive evidence to suggest



the implication of the petitioners in this case. It is alleged that 555 ml. wine is recovered from possession of the co-accused. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner 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 3rd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Ujarpur P.S. Case No. 243 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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