

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70250 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- DAWATH District- Rohtas

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1. Krishna Kumar Gupta, Son of Lal Mohar, Resident of Village- Ramnagar, Police Station- Navanagar, District- Buxar.
 2. Santosh Yadav, Son of Bihari Yadav, Resident of Village- Karsar, Police Station- Sonvarsha, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 35, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 523.260 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 name of petitioner No.1 has transpired in the present case as the Aadhar Card of petitioner No.1 was found in the vehicle in question. The name of petitioner No.2 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. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 523.260 liters wine is recovered from the vehicle. The vehicle 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) with two sureties of the like amount each to the satisfaction of learned IInd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. case No.100 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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