

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2377 of 2018

Arising Out of PS.Case No. -736 Year- 2017 Thana -DEHRI TOWN District- SASARAM (ROHTAS)

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- 1. Saroj Gupta, S/O Bahadur Sah.
 - 2. Paltan Gupta, S/O Bahadur Sah.
 - 3. Manoj Gupta @ Manoj Kumar, S/O Bahadur Sah. All are residents of Village- Bhaluwari, P.S. Indrapuri, District-Rohtas at Sasaram.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vipin Kumar Singh, Advocate.
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a)/34, 38(i)(ii) and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 384 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners no. 1 and 2 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that 384 liters wine is recovered from the car in question. The car in question does not



belong to the petitioners. The name of the petitioners has transpired in the present case on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 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 the learned Additional District and Sessions Judge-IIInd, Rohtas at Sasaram, in connection with Dihari (Indrapuri) P.S. Case No. 736 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

