

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9714 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -BARIYARPUR District- -

- =====
1. Rajesh Srivastava, Son of Gopal Prasad @ Gopal Srivastava.
 2. Shrawan Srivastava @ Shrawan Kumar Srivastava, Son of Onkar Srivastava. Both are resident of Village Kalyanpur, P.S.- Bariarpur, District- Munger.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 17.12.2017 and 09.01.2018 respectively in a case for the offence registered under Sections 30 and 32 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 140 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses



alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 140 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 come on the basis of disclosure made by the co-accused persons. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on 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 Special Judge (Excise), Munger, in connection with Bariarpur P.S. Case No. 116 of 2017.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

