

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.37256 of 2018**

Arising Out of PS.Case No. -115 Year- 2018 Thana -KHAGAUL District- PATNA

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1. Brajesh Kumar Mahto, S/o Mantu Mahto, R/o Lakhni Bigha, P.S.- Danapur, District- Patna.
  2. Chhotu Kumar S/o Sanjay Paswan , R/o Gauraiya Sthan, Garikhana, P.S.- Khagaul, District- Patna.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ghanshyam Tiwary, Advocate.

For the Opposite Party : Mr. Sunil Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      09-07-2018      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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 225 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. 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 225 liters wine is recovered from two vehicles in question. None of the vehicles belong to the petitioners. The name of the petitioners has



come on the basis of secret information as per F.I.R. The source and genuineness of 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. 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 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 Special Judge, Excise Act, Patna, in connection with Special Case No. 4392 of 2018, arising out of Khagaul P.S. Case No. 115 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

U.K./Abhijeet-

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