

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49745 of 2018

Arising Out of PS.Case No. -56 Year- 2018 Thana -DALSINGHSARAI District- SAMASTIPUR
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1. Sanjay Rai, Son of Ram Nandan Rai. Resident of Village- Dhurlakh, P.S. Muffasil, District- Samastipur.
2. Monu Sah @ Monu Kumar, Son of Devendra Sah, resident of Village- Sakrampur, P.S.- Muffasil, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s
=====

Appearance :

For the Petitioners : Kumari Vandana, Advocate.
For the Opposite Party : Mr. Khurshid Anwar
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272, 273 of the Indian Penal Code and Sections 30(a), 38(i)(ii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.82 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 the petitioners has transpired on the basis of disclosure made by the co-accused Rajan Kumar. Except for this, there is no



other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 8.82 liters wine is recovered from two vehicles in question. None of the vehicles belongs 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) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VIth-cum-Special Judge, Excise Act, Samastipur in connection with Dalsingsarai P.S. Case No. 56 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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