

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51646 of 2018

Arising Out of PS. Case No.-268 Year-2017 Thana- ALAMNAGAR District- Madhepura

1. Fantush Paswan Son of late Mahabir Paswan Resident of Village- Bhagipur, P.S. Alam Nagar, District-Madhepura.
2. Bablu Paswan Son of Chulhai Paswan Resident of Alam Nagar, Uttari Katchari Tola, Ward No. 14, P.S. Alam Nagar, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

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

The prosecution case, in short, is that 6 liters mahua 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 names of the petitioners have 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 6 liters mahua wine is recovered from the open field. The field 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./complaint case.

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 learned Chief Judicial Magistrate, Udakisunganj, Madhepura in connection with Alam Nagar P.S. Case No. 268 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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