

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49356 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- ITADHI District- Buxar

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1. Subhash Singh @ Subhash Rai, Son of Sudharshan Singh
 2. Suman Singh @ Raj Kumar Singh Son of Anil Singh
 3. Ramanjay Singh @ Ramjay Singh, Son of Kesho Singh All
resident of Village- Chillhar, P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.640 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired as the alleged recovery is made from the cattle shed belonging to joint family of the petitioner. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 8.640 liters wine is recovered from the cattle shed belonging to joint family of 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 Additional District & Sessions Judge -II-cum- Special Judge, Excise Act, Buxar in connection with Itarhi P.S. Case No. 122 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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