

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57193 of 2018

Arising Out of PS. Case No.-174 Year-2018 Thana- KATHAIYA District- Muzaffarpur

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1. Baleshwar Rai Son of Bhikhar Rai Resident of Village - Aswari Banjariya, P.S. - Kathaiya, District - Muzaffarpur
 2. Dilip Rai @ Dilip Kumar Son of Jailal Yadav @ Jailal Rai Resident of Village Gauspur, P.S. - Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 7.500 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against 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 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 7.500 liters wine is recovered from the side of the road. 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Kathaiya P.S. case No.174 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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