

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66016 of 2018**

Arising Out of PS.Case No. -84 Year- 2018 Thana -JADOPUR District- GOPALGANJ

- =====
1. Rinku Kumar Yadav, S/o Hansraj Yadav, Resident of Village-Bagaha, P.S. Yadavpur, District-Gopalganj &
  2. Surendra Kumar, Son of Hari Shankar Prasad, Resident of Village-Bagaha, P.O. Babu Bishunpur, P.S. Yadavpur, District-Gopalganj.
- .... .... Petitioners

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Sushil Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd

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

2      31-10-2018                      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 Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 132.68 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 as the motorcycle in question belongs to the petitioners. The motorcycles in question were given to the co-villagers for their personal use. Except for



this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 132.68 liters wine is recovered from the motorcycles in question. 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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Act, Gopalganj in connection with Yadavpur P.S. Case No. 84 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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