

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70873 of 2018

Arising Out of PS. Case No.-272 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

1. Akshay Kumar, &
2. Lalan Kumar,
Both sons of Late Vijay Mahto @ Vijay Kumar, Resident of Village-
Rewara, Ward No. 3 Police Station-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the State : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2018 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, 2018.

The prosecution case, in short, is that 16 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 in this
case as the cattle shed in question belongs to the joint family of



the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 16 liters wine is recovered from the cattle shed 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 Additional Sessions Judge-VI-cum-Special Judge, Excise Act, Samastipur in connection with Excise Case No. 272 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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