

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7275 of 2018

Arising Out of PS. Case No.-187 Year-2017 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

1. Suresh Yadav,
2. Kapil Yadav Both Son of Ramdeo Yadav, R/o Village-
Kishunpura, P.S.- Magadh Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Smt. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2018 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)(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4 liters mahua wine and 240 kg raw mahua are 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 alleged recovery is said to have been made from the open field of the petitioners by the side of tube well. Except for this, there



is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 4 liters mahua wine and 240 kg raw mahua are recovered from the open field 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.

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 Special Judge, Excise, Gaya in connection with Magadh Medical P.S. case No.187 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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