

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17859 of 2018

Arising Out of PS.Case No. -132 Year- 2017 Thana -MOKAMAH District- PATNA

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1. Om Prakash Yadav son of Late Babu Lal Yadav
2. Pintu Kumar @ Pintu Yadav son of Om Prakash Yadav Both are residents of village/mohalla - Mokama Naya Tola, Goriya Asthan, Ward No. 18, P.S. Mokama, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2018 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, 2016.

The prosecution case, in short, is that 72 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 names of the petitioners have transpired as the alleged recovery is said to have been made from joint house of the petitioners where



other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 72 liters wine is recovered from joint house 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 petitioner 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, Patna in connection with Special Case No. 6181 of 2017 arising out of Mokama P.S. Case No. 132 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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