

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22882 of 2018**

Arising Out of PS. Case No.-59 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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1. Guddu Singh, Son of Shiv Ji Singh, Resident of Village- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur.
  2. Dhunnu Singh @ Gautam Kumar Singh, Son of Shiv Ji Singh, Resident of Village- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur.
  3. Chhotu Singh, Son of Shiv Ji Singh, Resident of Village- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar  
For the Opposite Party/s : Smt. Gulnar Begam

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

2      25-04-2018                      Learned counsel for the petitioners seeks permission to withdraw the application so far petitioner no. 2 is concerned.

The application is dismissed as withdrawn so far petitioner no. 2 is concerned.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 1 and 3 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 14.250 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 on the basis of disclosure made by the local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 14.250 liters wine is recovered from the abandoned *khalian* which is joint ancestral property 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./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3, 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 4<sup>th</sup> Additional District & Sessions Judge, Bhojpur, Ara in



connection with Excise Case No. 389/2018 (arising out of  
Udwanthnagar P.S. Case No. 59/2018), subject to the conditions  
as laid down under Section 438(2) of the Code of Criminal  
Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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