

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16794 of 2018

Arising Out of PS.Case No. -401 Year- 2017 Thana -GAUTAMBUDHNAGAR District- SIWAN

- =====
1. Binda Singh @ Binda Prasad Son of late Sukhal Singh@ Sukh Lal Prasad
2. Bhuaali Singh@ Ram Pravesh Kumar@ Bhual Singh Son of Binda Singh@ Binda Prasad Both Resident of Village- Tarawan, Kurmi Tola, Police Station- G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 2 23-03-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30, 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 25.56 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 25.56 liters wine is recovered from back of the Kali temple. 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 2nd Additional Sessions Judge, Siwan in connection with G.B. Nagar P.S. Case No. 401 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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