

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25475 of 2018

Arising Out of PS.Case No. -166 Year- 2017 Thana -MAKER District- SARAN

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1. Siya Ram Sahani.
 2. Ram Kumar Sahani. Both Sons of late Parichan Sahani. Resident of Village- Baligaon, P.S. Parsa, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vipin Kumar, Advocate.

For the State : Mrs. . Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 188, 272, 273, 308/34 of the IPC, 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 40 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner no.2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 40 liters wine is recovered from the bank of *Gandak* river. The name of the



petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 petitioners above named, in the event of arrest or 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 the learned Additional Sessions Judge-VI-cum-Special Judge, Excise Act, Saran (Chapra), in connection with Maker P.S. Case No. 166 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)