

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28071 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Dhruv Sah, S/o Sheo Ratan Sah,
 2. Ram Babu Prasad, S/o Hira Sah, Both Resident of Vill.- Koiri Tola,
P.S.- Raxaul, District- East Champaran (Motihari).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Prashant Kumar, Advocate.

For the State : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-05-2018 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 413, 414, 467, 468, 471 of I.P.C, 25(1-B)A, 26, 35 of Arms Act and 30 and 35 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 9 liters wine, one country made pistol alongwith live cartridge and two mobile sets are said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. It is alleged that total 9 liters wine, one country made pistol alongwith live cartridge and mobile sets are recovered from



the car in question. The car in question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure made by co-accused, Rajesh Yadav. 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 A.D.J.-II-cum Special Court (Excise Act), Siwan, in connection with Hussainganj P.S. Case No. 37 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)