

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28432 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -KISHUNPUR District- SUPAUL

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1. Mithilesh Kumar Yadav @ Mithilesh Kumar @ Mithilesh Yadav, S/O Ganeshi Yadav, R/V- Saraigarh.
 2. Awadhesh Kumar @ Awadhesh Yadav, S/O Bhogilal Yadav, R/V- Chand Pipra. Both 1 and 2, P.S. Kishanpur, District-Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar Jha, Advocate.

For the State : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-05-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 174.120 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 174.120 liters wine is recovered from *Bimal Lodge* in question. The *Bimal Lodge*



in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Subhash Kumar and others. 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-II, Supaul in connection with S.T. Excise No. 760 of 2017, arising out of Kishanpur P.S. Case No. 216 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)