

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42102 of 2018

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1. Rajeev Rai @ Vote Rai @ Voter Rai S/o Late Bikram Rai
2. Munna Rai S/o Awadhnath Rai Both R/o Village - Motipur, P.S. Kateya,
District - Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Harendra Prasad
For the Opposite Party : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 47(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1370 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 name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of the 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. It is alleged that 1370 liters wine is recovered from an open field. The open field does not belong to 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.

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-cum-Special Judge, Excise Act, Gopalganj in connection with Excise Case No. 07 of 2009, Trial No. 916 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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