

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.37047 of 2018**

Arising Out of PS.Case No. -146 Year- 2018 Thana -ROSERA District- SAMASTIPUR

- =====
1. Lal Mohan Yadav.
  2. Raj Mohan Yadav. Both sons of Hare Ram Yadav, resident of village - Uttarwari Tola, Mahuli, P.S. Rosera, Dist. Samastipur.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ghanshyam Choudhary, Advocate.

For the Opposite Party : Mr. Manoj Kumar – 1, APP, 185

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      10-07-2018      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 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 363.06 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 363.06 liters



wine is recovered by the side of road in abandoned state. The name of the petitioners has come as the police party claim to have identified the petitioners while they were fleeing away. It has been submitted on behalf of the petitioners that the petitioners are not acquainted with the police party nor the police party acquainted with the petitioners. Hence, identification made by the police party itself is doubtful. 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. IIIrd-cum-Excise Judge, Samastipur, in connection with Rosera P.S. Case No. 146 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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