

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41685 of 2018

Arising Out of PS. Case No.-226 Year-2018 Thana- BARHARA District- Bhojpur

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1. Vicky Singh, S/o Late Gobardhan Singh, Resident of Vill.- Jagatpur (Pakari), P.S.- Barhara, Dist.- Bhojpur.
 2. Sonu Singh,
 3. Pawan @ Golu Singh, Both are S/o Late Bhim Singh, Resident of Vill.- Rampur, P.S.- Ara Muffasil, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sri Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 109.340 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners have 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 109.340 liters wine is recovered from the side of the temple. 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/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 A.D.J.-IV (Special Court), Ara, Bhojpur in connection with Excise Case No. 955 of 2018 arising out of Barhara P.S. Case No. 226 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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