IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41624 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- ARA NAWADA District- Bhojpur

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1. Gautam Paswan Son of Chunilal Paswan
2. Dhruv Paswan Son of Bhuneshwar Paswan
3. Nakul Paswan Son of Shyam Paswan
4. Butan Paswan Son of Ramesh Paswan All are Resident of Mohalla- Sri Tola, P.S. Ara Nawada, District- Bhojpur.

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4 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 names 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

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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 4 liters wine is recovered by the side of the road. 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, Ara, Bhojpur in connection with Excise Case No. 132 of 2018 arising out of Ara Nawada P.S. Case No. 38 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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