

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44438 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- NATIONAL HIGHWAY District-
Samastipur

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1. VINAY KUMAR @ BABLU, Son of Late Ramashray Singh,
 2. Santosh Kumar Das @ Santosh Kumar, Son of Ram Sewak Das,
Both are resident of Village- Dih Sarsauna, P.S. N.H. Bangra,
District- Samastipur.
 3. Golu Kumar, Son of Nandan Ray, resident of Village- Bathua,
P.S.- Pusa, District- Samastipur.
 4. Amresh Kumar @ Nanki @ Amresh Kr. Nanki, Son of Ashok
Singh, resident of Village- Gandhinagar, P.S.- Mufasil, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1775 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 transpired on the basis of disclosure made by co-accuseds namely Nirmal Singh and Md. Raunak. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1775 liters wine is recovered from the pick up van and truck in question. None of the vehicles 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. Other co-accused has been granted anticipatory bail vide order dated 19.7.2018 passed in Cr. Misc. No. 43273 of 2018.

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 Additional District & Sessions Judge-cum- Special Judge, Excise Act,



Samastipur in connection with N.H. Bangra P.S. Case No. 48 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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