

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46843 of 2018

Arising Out of PS.Case No. -188 Year- 2018 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Baleshwar Rai, S/O Late Bipat Rai.
 2. Ajit Kumar Rai, S/O Baleshwar Rai. Both are residents of Village-Baksama, P.S. Goraul (Kathara O.P.), District-Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate.

For the Opposite Party : Mr. Nitayanand Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-08-2018 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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 17.280
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 17.280 liters
wine is recovered from the betel *Gumti* in question. The name of



the petitioner has come in the present case on the basis of alleged recovery made from back of betel *Gumti* of the petitioner. 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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Vaishali at Hajipur, in connection with Goraul P.S. Case No. 188 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)