IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49440 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- KOTHIGRAM District- Gaya

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1. Pramod Yadav @ Modi
2. Prameshar Yadav Both sons of Bipat Yadav.
3. Bipat Yadav son of Late Kali Yadav, All resident of Village- Rayasaldih, P.S. Koth District- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. S. Jamil Akhtar
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-08-2018 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 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 35 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 name of the petitioners has come on the disclosure of co-accused Ram Narayan Bhuyan. Except for this, there is no other substantive evidence to suggest the implication

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of the petitioners in this case. It is alleged that 35 liters wine is recovered from co-accused Ram Narayan Bhuyan. 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.

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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Kothi P.S. case No.26 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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