

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49857 of 2018

Arising Out of PS.Case No. -338 Year- 2018 Thana -KAHALGAON District- BHAGALPUR

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1. BAJRANGI CHOUDHARY @ BAJRANGI KUMAR CHOUDHARY
@ BAJRANG KUMAR CHOUDHARY

2. Pawan Choudhary @ Pawan Kumar Choudhary. Both are Sons of Anarsi Choudhary, resident of Mohalla- Hatia Road, Ward No. 15, P.S. Kahalgaoon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Rajendra Prasad Nat

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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-30(a) & 56(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 124 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 transpired as the alleged recovery is said to have been made from joint house of the petitioners where



other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 124 liters wine is recovered from joint house of 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.

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) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Kahalgaon P.S. Case No. 338 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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