

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63611 of 2018

Arising Out of PS.Case No. -197 Year- 2018 Thana -SIMRI District- BUXAR

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1. Pappu Yadav Son of late Mandar Yadav R/o Vill-
Manjhawari,P.S.Simri, Distt. Buxar.
2. Prince Kumar@ Aasutosh Kumar Singh S/o late Munmun Singh R/o
Vill.Balihar, P.S. Simri, Distt.Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-10-2018 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 8 liters wine is
recovered.

It has been submitted on behalf of the petitioners that the
petitioner No. 2 has 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 basis of
secret information as per F.I.R. The source and genuineness of the



secret information has not been disclosed by 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 8 liters wine is recovered from the motorcycle in question. The motorcycle in question does not 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.

On behalf of the State, it is submitted that the petitioners is 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 Act, Buxar in connection with Simri P.S. Case No. 197 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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