

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58769 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- FATEHPUR District- Kishanganj

1. Suraj Kumar Singh son of Mahendra Prasad Singh, resident of Hawakol
2. Sunil Kumar Yadav son of Jageshwar Yadav @ Jageshwar Prasad Yadav,
resident of Gamhriya, both police station Terhegachh, District Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Dilip Kumar Singh, Advocate
For the State : Smt. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 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 99 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 Vikash Kumar Sah and Sunil Kumar Vishwas. Except for this, there is no other substantive evidence



to suggest the implication of the petitioners in this case. It is alleged that 99 liters wine is recovered from the motorcycle. 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 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Kishanganj in connection with Special case No.155 of 2018 arising out of Fatehpur P.S. case No.09 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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