

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50181 of 2018

Arising Out of PS.Case No. -138 Year- 2018 Thana -PHULWARIA District- GOPALGANJ

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1. Ram Babu Sahni, Son of Inar Sahni,
2. Upendra Sahni, Son of Inar Sahni, Both are resident of Village- Gidha Malahi, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhramveer

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.460 litres 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 transpired on the basis of disclosure made by local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the



petitioners in this case. It is alleged that 8.460 liters wine is recovered by the side of the road. 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), Gopalganj in connection with Phulwaria P.S. Case No. 138 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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