

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48770 of 2018

Arising Out of PS. Case No.-92 Year-2018 Thana- JALALPUR District- Saran

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1. Bihari Prasad @ Kanihaya Prasad,
 2. Sanjay Prasad. Bith are son of Gauri Shankar Prasad, Resident of Village- Noon Nagar, P.S.- Jalalpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 467, 468, 471, 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1002 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by co-accuseds namely Banti and Pawan. Except for this, there is no other substantive evidence to



suggest the implication of the petitioners in this case. It is alleged that 1002 liters wine is recovered from the truck in question. The truck in question does not belong to the petitioner. 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) each with two sureties of the like amount each to the satisfaction of learned 6th A.D.J./ Special Court, Excise Act, Saran, Chapra in connection with Jalalpur P.S. Case No. 92 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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