

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55874 of 2018

Arising Out of PS.Case No. -198 Year- 2018 Thana -KATHAIYA District- MUZAFFARPUR

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1. Arun Kumar Rai @ Arun Rai, Son of Subodh Rai,
 2. Dilip Rai, Son of Jailal Yadav @ Jailal Rai,
 3. Manvendra Singh @ Pinku Singh @ Manhendra Singh @ Rinku Singh, Son of Ram Vandan Singh,
 4. Braj Kishore Rai @ Brij Kishore Rai, Son of Dwarika Singh, Al resident of Village- Gauspur, P.S.- Kathaiva, District- Muzaffarpur.
 5. Baleshwar Rai, Son of Bhikhar Rai,
 6. Sahendra Rai @ Sahindra Ray, Son of Nayan Rai @ Sunain Rai, Both resident of Village- Aswari Banjariya, P.S.- Kathaiya, District- Muzaffarpur and
 7. Ram Narain Singh @ Rai Narain Singh, Son of Late Agindeo Singh, Resident of Village- Saghanpura, P.S.- Kathaiya, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2018 At the outset, learned counsel for the petitioners submits that the petitioner No. 7 namely, Ram Narain Singh @ Rai Narain Singh has already been apprehended by the police.

Accordingly, this application as against the petitioner No. 7 is dismissed as withdrawn.

Rest petitioners are apprehending their arrest in a case registered under Sections 414, 411, 272, 273 and 34 of the Indian Penal Code and Sections-30(a), 32(ii) of the Bihar Prohibition and Excise Act, 2016.



The prosecution case, in short, is that 218.880 liters wine is recovered.

It has been submitted on behalf of the petitioners that petitioner Nos. 1, 4 & 6 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 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 218.880 liters wine is recovered from two different vehicles. None of the vehicles in question 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.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 1 to 6, 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 Special Judge, Excise Act, Muzaffarpur in connection with Kathaiya P.S. Case No. 198 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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