

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65547 of 2018

Arising Out of PS. Case No.-194 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

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1. Govind Rai, s/o- Baliram Rai, r/o- village Sakaldiha Balarpur, P.S.- Sakaldiha, district- Chandauli, Uttar Pradesh.
 2. Rambharos Rai, s/o- Shambhu Rai, r/o- village Ratanpurwa, P.S.- Chand, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy

For the Opposite Party/s : Mr. Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 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 35 liters spirit 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 names of the petitioner no 1 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. The name of petitioner no. 2 has come as the alleged recovery is made from the joint house of the



petitioner no. 2 where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 35 liters spirit is recovered from the joint house of petitioner no. 2. 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 Additional Sessions Judge -VI, Kaimur at Bhabua in connection with Chand P.S. Case No. 194/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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