

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8781 of 2018

Arising Out of PS. Case No.-347 Year-2017 Thana- DEEPNAGAR District- Nalanda

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1. Kundan Singh, son of Late Nawal Singh.
 2. Sheru Singh, son of Lalo Singh. Both resident of Village-Daroga Bigha, Police Station- Deep Nagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. RAM ANURAG SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273/34 of the I.P.C. and Sections 30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 10 liters 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 come on the basis of disclosure made by the co-villagers as per F.I.R. The name of co-villagers, who have named the petitioners, 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 10 liters wine is recovered from an open field by the side of canal. 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 VIth Additional Sessions Judge-cum-Special Judge Excise, Nalanda at Bihar Sharif in connection with Deep Nagar P.S. case No.347 of 2017, 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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