

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16109 of 2018

Arising Out of PS.Case No. -127 Year- 2017 Thana -BASANTPUR District- SIWAN

- =====
1. Rama Rai @ Rama Yadav &
 2. Alauddin @ Shekh Alauddin

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 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 & 308 of the IPC and Sections-30(C) (D), 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 15 liters wine and 90 litres Mahua Ghol is recovered from the field of petitioner.

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 alleged recovery is said to have been made from an open field of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. So far petitioner No. 1 is concerned, 15 litres wine and 30 litres



Jawa Mahua Ghol is recovered whereas, from possession of the petitioner No. 2, 60 litres Jawa Mahua Ghol has been recovered. 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) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Siwan in connection with Basantpur P.S. Case No. 127 of 2017, 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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