

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20874 of 2018

Arising Out of PS. Case No.-269 Year-2017 Thana- KHUSRUPUR District- Patna

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1. Karu Gope, S/o Late Shambhu @ Birendra Yadav,
 2. Biru Gope @ Bir Bahadur age 26 Years S/o Suresh Prasad Yadav,
 3. Pappu Gope S/o Late Yugal Kishore Singh, All R/o Naya Tola, Khirodharpur, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 399/402 of the Indian Penal Code, Sections 25(1-B)a, 26, 35 of the Arms and Section 37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 400 ml wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 2 have got no criminal antecedent. 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 the co-accused namely Rajesh



@ Chote and Bambam Gopa. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 400 ml. wine is recovered from the motorcycle in question. 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 Special Judge, Excise, Patna in connection with Khushrupur P.S. Case No. 269 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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