

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31252 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- MAINATAND District- West Champaran

1. Sheikh Mausam S/o Sheikh Jahageer,
2. Veera Yadav @ Bira Yadav @ Virendra Yadav S/o Vishwanath Yadav, Both are R/o Vill.- Basantpur, P.S.- Mainatand, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 353, 307/34 of the Indian Penal Code, 27 of the Arms Act and Section 30A of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 117 liters wine 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 petitioners have transpired as the police party claims to have identified the petitioners in the torch light. The petitioners are not acquainted with the raiding party nor the raiding party is acquainted



with the petitioners. Hence, the source of identification is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 117 liters wine is recovered from the abandoned field. 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, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 90 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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