

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40120 of 2018

Arising Out of PS. Case No.-139 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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1. Vikash Kumar Son of Dinesh Yadav
 2. Dinesh Yadav Son of Ram Bahadur Roy Resident of Village -
Rasalpur, P.O. - Kishanpur, P.S. - Sarairanjan, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar
For the Opposite Party/s : Mr. Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 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 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 3.66 liters wine
is recovered.

It has been submitted on behalf of the petitioners that
there is no allegation of tampering of witnesses alleged against
the petitioners. The names of the petitioners have transpired as
the alleged recovery is made from the joint house of the
petitioners 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 3.66 liters wine is recovered from the joint houses of the petitioners. 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 A.D.J.-6th, Samastipur in connection with Samastipur Excise Case No. 139 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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