

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41952 of 2018

Arising Out of PS.Case No. -629 Year- 2017 Thana -BARBIGHA District- SEKHPURA

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- 1. Chunchun Singh, S/o Late Bal Kishore Singh, R/o Vill.- Nirpur, P.S.- Bind, District- Nalanda.
 - 2. Uday Singh @ Uday Shankar Singh, S/o Late Shiv Kumar Singh, R/o Mohalla- Bavanbigha, P.S.- Barbigha, District- Sheikhpora.
 - 3. Sony Kumar, S/o Sada Nand Singh, R/o Mohalla- Bavanbigha, P.S.- Barbigha and District- Sheikhpora.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Girish Chandra Jha, Advocate.
For the Opposite Party : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4028.4
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioner no. 2 has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. It is alleged that total 4028.4 liters wine is



recovered from the Truck in question. The Truck in question does not belong to the petitioners. The name of the petitioner no. 2 has come in the present case as the Truck in question was parked by the side of his *Bathan*. As far as petitioner nos. 1 and 3 are concerned, their name has come on the basis of secret information as per F.I.R. The source and genuineness of secret information 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. 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 or 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 the learned 1st Additional District & Sessions Judge, Sheikhpura, in connection with Excise Case No. 837 of 2017, arising out of Barbigha P.S. Case No. 629



of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

