

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43703 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHESHKHUNT District- Khagaria

1. Mohan Ram Son of Bhola Ram @ Gholtu Ram R/o Village Jhitkiya, P.S. Maheshkhunt, District Khagaria.
2. Santosh Kumar Son of Ram Kirpal Ram R/o Village-Ramchandrapur, P.S. Maheshkhunt, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2018 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(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 179.250 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 name of the petitioner No.1 has transpired in the present case as the alleged recovery is made from the open field of petitioner No.1 and the name of petitioner No.2 has come on the basis of secret information as per F.I.R. The source and genuineness of the 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. It is alleged that 179.250 liters wine is recovered from the open field in abandoned state. 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 Additional Sessions Judge I-cum-Special Judge, Excise, Khagaria in connection with Maheshkhunt P.S. case No.39 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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