

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28263 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- UDAKISHANGANJ District- Madhepura

1. Dilip Kumar Singh @ Dilip Singh @ Dilip Kumar Son of late Tula Kant Singh
2. Raunak Kumar @ Raunak Kumar Singh Son of Dilip Kumar Singh @ Dilip Singh @ Dilip Kumar
3. Bholu Kumar Singh @ Bholu Kumar Son of Ranjeet Kumar Singh All Residents of Village- Murlichandeva, P.S. Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-05-2018 A supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on the record.

Counsel for the petitioners is permitted to make necessary correction in paragraph 3 of the main application in course of the day in the light of the supplementary affidavit.

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 720 ml wine is recovered.



It has been submitted on behalf of the petitioners that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners No.2 and 3 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. The name of petitioner No.1 has transpired as the alleged recovery is made from the joint house of the petitioner 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 720 ml wine is recovered from the joint house of petitioner No.1. 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 S.D.J.M., Uda-Kishunganj, Madhepura in connection with Uda Kishunganj P.S. case No.72 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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