

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.64519 of 2018**

Arising Out of PS.Case No. -211 Year- 2018 Thana -KATHAIYA District- MUZAFFARPUR

- =====
1. Baleshwar Rai @ Baleshwar Ray son of Bhikhar Rai.
  2. Sahindra Rai son of Sunain Rai, Both Resident of Village- Asawari Banjaria, Police Station- Kathaiya, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      05-11-2018                      Heard learned counsel for the petitioners and learned APP  
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272, 273, 319, 411 of the Indian Penal Code and Section-34 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 206.220 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 petitioners has transpired in this case as the field in question belongs to the petitioners. Except for this, there is no other substantive evidence to suggest the implication of



the petitioners in this case. It is alleged that 206.220 liters wine is recovered from the field in question. 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Kathaiya P.S. Case No. 211 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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