

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45384 of 2018

Arising Out of PS. Case No.-252 Year-2018 Thana- MARHAURA District- Saran

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1. Umesh Rai @ Umesh Prasad Yadav son of Lakshman Prasad Yadav
 2. Mithilesh Ray @ Mithilesh Prasad Yadav @ Sadhu Rai
 3. Akhilesh Ray
 4. Saheb Rai, Sl. No.2 to 4 are son of Lakshman Rai @ Lakshman Prasad Yadav
 5. Lakshaman Rai @ Lakshman Prasad Yadav, son of late Nanhak Rai, all are resident of village Bhualpur, P.S. Marhowrah, District Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 188, 272, 273 of the I.P.C. and Sections 30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 150 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 as the alleged car in question belongs to the petitioner No.1. The said car is run as public carrier by the driver of the petitioner No.1. The name of petitioners



No.2 to 5 has transpired on the basis of disclosure made by the local residents as per F.I.R. The name of local residents, who have named the petitioners, 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 150 liters wine is recovered from the joint house of the petitioner. 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 6th A.D.J./Special Court, Excise Act, Saran, Chapra in connection with Marhowrah P.S. case No.252 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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