

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8476 of 2018

Arising Out of PS. Case No.-434 Year-2017 Thana- BAGHA District- West Champaran

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1. Sudhir Kushwaha, s/o- Shiv Kushwaha, r/o- Gandhi Nagar, P.s.- Bagaha, District- West Champaran
 2. Pratap Yadav, s/o- Hari Narayan Yadav, r/o- Gandhi Nagar, P.s.- Bagaha, district- West Champaran at present resident of Shastri Nagar, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Bhushan Sinha

For the Opposite Party/s : SMT. MADHURI LATA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 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 408 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the petitioner, have 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 408 liters wine is recovered from the sugarcane field in an abandoned state. The land in question does not belong to the petitioners. 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) Bettiah, West Champaran in connection with Bagaha P.S. Case No. 434 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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