

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8453 of 2018

Arising Out of PS. Case No.-131 Year-2017 Thana- HATHUA District- Gopalganj

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1. Anil Kumar, S/o- Sri Dhruv Chaudhary, Resident of Village- Harkhauli, P.S.- Mirganj, District- Gopalganj.
 2. Pashpati Sah, S/o- Triloki Sah, Resident of Village- Mirganj, P.S.- Mirganj, District- Gopalganj.
 3. Mukesh Kumar @ Mukesh Kumar Soni, S/o- Late Jay Pujan Soni, Resident of Village- Matihani Madho, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. RAM SUMIRAN ROY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 201/34 of the I.P.C. and Sections 37(a) & (b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on the alleged date and time of occurrence the informant received telephonic information from officer-incharge Mirganj P.S. that two constables are chasing a Wagon-R vehicle having registered in U.P. with suspicion that liquor is being carried in the vehicle. Then the informant and other police personnel reached there and saw some persons are fleeing away from Wagon-R. On chase,



one person was arrested, who disclosed his name as Manoj Kumar Yadav, who stated that the owner of the vehicle is one Mukesh Kumar. The informant noticed the smell of wine from the moth of said Manoj Kumar Yadav.

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 petitioner. The name of the petitioners has come on the disclosure of co-accused Manoj Kumar Yadav. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. There is no recovery of liquor in the present case. It is a case, where the co-accused has been arrested in a drunken state with the allegation that the petitioners had also consumed liquor. The petitioners have not been apprehended on the spot. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident.

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 2nd Addl. Sessions Judge, Gopalganj in connection with Hathua P.S. case No.131 of 2017, 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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