

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.17171 of 2018**

Arising Out of PS.Case No. -629 Year- 2017 Thana -BARBIGHA District- SEKHPURA

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1. Mithu Sardar, S/o Ramchandra Singh, R/o Maur , P.S. Barbigha, Distt. Sheikhpura.
  2. Chunni Sao @ Pramod Kumar, S/o Satyanarayan Sao, R/o Gola Par, P.S. Barbigha, Distt. Sheikhpura.
  3. Fudan Kumar @ Vikram Kumar @ Fudan, S/o Mantun Singh, R/o Onama, P.S. Sheikhpur Sarai, Distt. Sheikhpura.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ajit Kumar, Advocate.

For the Opposite Party : Mr. Rajkishore Singh, A.P.P.

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

2      27-03-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are apprehending their arrest in a case  
for the offence registered under Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4028.400  
liters wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioners that the petitioners have falsely been implicated in the  
present case. There is no allegation of tampering with the  
witnesses alleged against the petitioners. It is alleged that total



4028.400 liters wine is recovered from the Truck in question which was parked in the *Khaliyan* of one of the co-accused Uday Singh. The Truck in question does not belong to the petitioners. The name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of secret information 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. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned 1<sup>st</sup> Additional District & Sessions Judge, Sheikhpura, in connection with Excise Case No. 837 of 2017, arising out of Barbigha P.S. Case No. 629 of 2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**

