

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37629 of 2018

Arising Out of PS.Case No. -30 Year- 2018 Thana -DHANGAI District- BHOJPUR

1. Dharmendra Choudhary @ Dharmendra Chaudhary,
2. Manoj Choudhary @ Manoj Kumar Choudhary, Both sons of Suresh Choudhary, Resident of Village- Kunai P.S.- Dhangai, District- Bhojpur.

.... Petitioners

Versus

The State of Bihar. Opposite Party

Appearance :

For the Petitioners : Mr. Naushad, Zakia Ozair, Advocate.

For the Opposite Party : Mr. Nirmal Kumar Sinha, APP, 199

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-07-2018 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 Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1.500 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 1.500 liters wine is recovered from the *Khaliyan* in question. The *Khaliyan* in question does not belong to the petitioners. The name of the petitioners has come as the police party claims to have identified the petitioners in torch light. It is submitted that the



petitioners are not known to the police party nor the police party is acquainted with the petitioners. Hence, source of identification made by the police party itself is doubtful. 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 4th A.D.J. Bhojpur, Ara, in connection with Dhangai P. S. Case No. 30 of 2018, Excise No. 785 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

