

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38665 of 2018

Arising Out of PS.Case No. -16 Year- 2018 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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1. Banti Singh, S/o Ashok Singh,
2. Sujeet Kumar, S/o Fatti Saw @ Video Saheb, Both R/o Vill.-
Mahamadpur, P.O.- Salehpur, P.S.- Ekangarsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272 and 273 of the Indian Penal code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 149.840 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 name of the petitioners has transpired on the basis of disclosure made by the local residents. The name of local residents, who have names the petitioners, 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 149.840 liters wine is recovered from a mustard field in an abandoned state. The field 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 VIth Additional District and Sessions Judge-cum-Special Judge, Excise Act, Nalanda at Biharsharif in connection with Ekangarsarai P.S. Case No. 16 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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