

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50333 of 2018

Arising Out of PS. Case No.-495 Year-2017 Thana- AGAMKUAN District- Patna

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1. Satpal Kumar @ Shishupal Kumar @ Sisupal, son of Gopal Prasad Singh, Resident of Mohalla- Sarvodya Nagar, Kali Mandir Road, Kumhrar, P.S.- Agamkuan, District- Patna.
 2. Vikash Yadav @ Bala Ji @ Vikash Kumar, son of Ramji Yadav,
 3. Ghoncha Yadav @ Sanjeet Kumar @ Goncha Yadav, son of Raj Kumar Yadav, Both Resident of Mohalla- Gawal Toli near Mahaveer Mandir, Kumhrar, P.S.- Agamkuan, District- Patna.
 4. Alok Kumar @ Alok Singh, son of Gajendra Singh, Resident of Village- Konokothi, Fatehpur, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 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 450 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 come on the basis of secret information as per



F.I.R. The source and genuineness of the 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. It is alleged that 450 liters wine is recovered from the pick up van. The pick up van 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./complaint case.

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, Patna in connection with Special Case No. 6784 of 2017 (arising out of Agamkuan P.S. Case No. 495 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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