

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15310 of 2018

Arising Out of PS. Case No.-283 Year-2017 Thana- DURAULI District- Siwan

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1. Dharmendra Choudhary,
 2. Bijendra Choudhary,
 3. Dhupendra Choudhary, All are Sons of Sri Pyar Choudhary, All are Resident of Village- Dumrahar Khurd, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : SMT. ANITA KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-03-2018 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, 273, 30/34 of the Indian Penal Code and Sections 30(a), 37(C), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 55 liters wine, 100 kg gur and 125 kg mahua flower are recovered.

It has been submitted on behalf of the petitioners that petitioner nos. 1 and 2 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired as the alleged recovery is made from the joint house of the petitioners where the other family



members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 55 liters wine, 100 kg gur and 125 kg mahua flower are recovered from the joint house of 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 Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Darauli P.S. Case No. 283 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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