

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45871 of 2018

Arising Out of PS. Case No.-129 Year-2018 Thana- AKBARPUR District- Nawada

1. Kapil Yadav @ Kapildev Yadav son of Late Prabhu Yadav
2. Shanti Yadav son of Late Hari Yadav
3. Suresh Yadav son of Lato Yadav, all residents of village Mastanganj, Police Station Akbarpur, District Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case, in short, is that 80 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired as the alleged recovery is made from the open field belonging to the joint family of the petitioners. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 80 liters wine is recovered from the open field in question. 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) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II-cum-Special Judge, Nawada in connection with Akbarpur P.S. case No.129 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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