

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21222 of 2018

Arising Out of PS. Case No.-135 Year-2017 Thana- FULKAHA District- Araria

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1. Sudyanand Paswan @ Sudiyanand Paswan Son of Mangan Paswan Resident of Village - Bhawanipur, Ward No. 5
 2. Srawan Yadav @ Srwan Kr. Yadav @ Sarwan Kumar Yadav Son of Late Asharfi Yadav Resident of Village - Achara, Both are P.S. - Fulkaha, Dist - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 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, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 420 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 transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioners, 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 420 liters wine is recovered from the pick-up van in question. 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 2nd Additional Sessions Judge, Araria in connection with Fulkaha P.S. Case No. 135/2017 (corresponding to Special Case No. 3246/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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