

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29742 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- NABINAGAR District- Aurangabad

1. Vijay Paswan
2. Sanjay Paswan, both are sons of Maheshwar Paswan, resident of village Bhavanokhap, P.S. Nabinagar, Dist. Aurngabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 19 liters wine is recovered.

It has been submitted on behalf of the petitioner 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 abandoned hut in question is situated by the side of the house 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 19 liters wine is recovered from the abandoned hut 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 Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. case No.79 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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