

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42574 of 2018

Arising Out of PS. Case No.-96 Year-2018 Thana- HUSAINGANJ District- Siwan

-
1. Rajendra Prasad @ Chiraiya @ Rajendra Chaudhary son of Ramji Prasad,
 2. Ashok Sah, son of Late Swaminath Sah, Both 1 and 2 are resident of Village- Gopalpur, Bakarganj, P.S. Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 36, 41(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30.600 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the basis of disclosure made by the local residents as per F.I.R. 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 30.600 liters wine is recovered from the garbage situated by the side of the house of Thakur Rasi. 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 and Sessions Judge 2nd-cum-Special Judge (Excise), Siwan in connection with Hussainganj P.S. case No.96 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

