

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65868 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- BASANTPUR District- Siwan

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1. Brijkishore Prasad, Son of Late Ramkunwar Prasad, Resident of Village- Ujaina, P.S.- Basantpur, District- Siwan.
 2. Sanju Devi, W/o Brijkishore Prasad, Resident of Village- Ujaina, P.S.- Basantpur, 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. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 17-12-2018 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, 308/34 of the I.P.C. and Sections 30(A), 34(B), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 36.660 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 joint house and poultry farm



belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 36.660 liters wine is recovered. 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 Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Basantpur P.S. case No.218 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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