

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41776 of 2018

Arising Out of PS. Case No.-50 Year-2018 Thana- IMAMGANJ District- Gaya

1. Barho Bhuiyan @ Baro Bhuiyan, Son of Late Nageshwar Bhuiyan,
2. Rajesh Bhuiyan, Son of Late Kuleshwar Bhuiyan,
3. Shrawan Bhuiyan, Son of Late Nageshwar Bhuiyan,
4. Prem Bhuiyan, Son of Kali Bhuiyan,
5. Pravesh Bhuiyan, Son of Butta Bhuiyan, null
6. Kariman Bhuiyan, Son of Kali Bhuiyan,
7. Ganesh Bhuiyan, Son of Late Sardari Bhuiyan, All Resident of Village- Parariya Tola Dipandih, P.S.- Imamganj, District- Gaya.
8. Munarik Chaudhary, Son of Heman Chaudhary,
9. Mahendra Chaudhary, Son of Rameshu Chaudhary, Both Resident of Village- Pakardih, P.S.- Imamganj, District- Gaya.
10. Parwati Devi, wife of Barho Bhuiyan @ Baro Bhuiyan,
11. Munaki Devi @ Munki Devi, wife of Shiv Nandan Bhuiyan,
12. Bindu Bhuiyan, Son of Late Kuleshwar Bhuiyan,
13. Deo Nandan Bhuiyan, Son of Late Sardari Bhuiyan,
14. Ballam Bhuiyan, Son of Buttu Bhuiyan,
15. Krit Bhuiyan, Son of Faguni Bhuiyan.
16. Chandradeo Bhuiyan, Son of Late Mungeshwar Bhuiyan @ Migeshwar Bhuiyan,
17. Fulchan Bhuiyan @ Fulchand Bhuiyan, Son of Rambriksh Bhuiyan,
18. Surendra Bhuiyan, Son of Rambriksh Bhuiyan,
19. Karu Paswan, Son of Ram Swarup Paswan, Petitioner No 10 to 19 are Resident of Village- Parariya Tola Dipandih, P.S.- Imamganj, District- Gaya.
20. Yogendra Chaudhary, Son of Heman Chaudhary, Peititoner No 20 is Resident of Village- Pakardih, P.S. Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivendra Prasad
For the Opposite Party/s :	Mr. Sri Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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)(d) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 55 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. As far as names of petitioner nos. 1, 7 and 12 are concerned, their names have transpired as alleged recovery is made from their joint house. So far as rest of the petitioners are concerned, their names have transpired in the present case with an allegation that they protested on the search and seizure made by the Police. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 55 liters wine is recovered from the joint houses of petitioner nos. 1, 7 and 12 where other family members also reside. 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 Special Judge, Excise, Gaya in connection with Imamganj P.S. Case No. 50/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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