

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45740 of 2018

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1. SUBHASH KUMAR YADAV @ SUBHASH YADAV, Son of Ramajee Yadav, Resident of Village- Dahabari, Police Station- Ander, District- Siwan.
 2. Lakhan Kumar Yadav @ Lakhan Yadav, Son of Abhimanyu Yadav, Resident of Village- Rajpur Balua, Police Station- Raghunathpur, District- Siwan.
 3. Bachcha Yadav @ Bachalal Yadav, Son of Ram Naresh Yadav, Resident of Village- Muriyari, Police Station- Maniyar, District- Balia (Uttar Pradesh).
 4. Abhimanyu Yadav, Son of Faujdar Yadav,
 5. Anil Yadav, Son of Ras Bihari Yadav, 4 and 5 are residents of Village- Rajpur Balua, Police Station- Raghunathpur, District- Siwan.
 6. Sanjay Yadav, Son of Ramnath Yadav, Resident of Village- Raghunathpur, Police Station- Raghunathpur, District- Siwan.
 7. Rambabu Ram, Son of Ganga Sagar Ram, Resident of Village- Rajpur, Police Station- Raghunathpur, District- Siwan.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 272, 273, 308/34 of the IPC, 30(a), 38(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2581.200



liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 3, 5 and 7 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 2581.200 liters wine is recovered from a bush situated by the side of abandoned house of petitioner no. 4. The name of the petitioners has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the 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. 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 or 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 the learned Additional Sessions Judge-2nd-cum-Special Judge, Excise, Siwan, in connection with Raghunathpur P.S. Case No. 52 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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