

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17549 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SIWAN

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1. Vikash Yadav @ Vikash Kumar Yadav, S/o Lalan Yadav.
2. Saheb Yadav@ Saheb Kumar Yadav, S/o- Ghamandi Yadav.
3. Upendra Yadav, S/o Ghamandi Yadav. All are R/o Village- Barwan,
P.S. Andar, District- Siwan..... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-03-2018 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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 29.16
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioner no. 1 has got criminal antecedent and
petitioner nos. 2 and 3 have got no criminal antecedent. There is
no allegation of tampering with the witnesses alleged against the
petitioners. The petitioner nos. 2 and 3 have falsely been
implicated in the present case. It is alleged that total 29.16 liters



wine is recovered. The name of the petitioners has come on the basis of alleged recovery made from the land situated at the back 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. 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-II, Siwan, in connection with Siwan C-III 19/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

