

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19549 of 2018

Arising Out of PS.Case No. -23 Year- 2018 Thana -ROUH District- NAWADA

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1. Vinod Yadav @ Veyas, Son of Vishundeo Yadav,
 2. Vikash Yadav, Son of Rajo Yadav, Both residents of Village-
Manichak, P.S.- Roh, District- Nawada.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2018 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 65 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. The petitioners have falsely been
implicated in the present case. It is alleged that total 65 liters wine



is recovered near the *Guhiya* Pond and from the motorcycle in question. Out of which, 35 liters wine is said to have been recovered from the motorcycle in question on which it is alleged that the petitioners were found sitting and after seeing the police they fled away. The motorcycle in question does not belong to the petitioners. As per prosecution case, the petitioners are alleged to have been identified by the police officer. The petitioners are not acquainted with the said police officer who claimed to have identified the petitioners nor the said police officer acquainted with the petitioners. The claim of identification made by the said police officer itself is doubtful. 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 District and Sessions Judge-IIInd-cum-Special Judge, Nawada, in connection with Roh P.S. Case No. 23/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

