

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5674 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- ISLAMPUR District- Nalanda

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1. Shamendra Kumar @ Shamindra Kumar son of Arjun Prasad, Resident of village-Rupaspur, P.S. Khudaganj, Distt. Nalanda
 2. Shyam Kishor Chaudhary Son of- Late Teni Chaudhary
 3. Sharvan Paswan Son of- Late Madan Paswan, both Resident of village-Budhanagar, P.S. Islampur, District Nalanda

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2019 Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application on behalf of petitioner No.2 is dismissed as withdrawn.

Heard learned counsel for the petitioners No.1 and 3 and learned APP for the State.

The petitioners No.1 and 3 are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 276.750 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. The name of the petitioners has come on the disclosure of co-accused Kaushlendra Prasad. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 276.750 liters wine is recovered from two different vehicles. None of the vehicles in question belongs to the petitioners. 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 No.1 and 3, 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



A.D.J. VI-cum-Special Judge, Excise, Nalanda at Bihar Sharif in connection with Islampur P.S. case No.373 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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