

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3961 of 2019

Arising Out of PS. Case No.-355 Year-2018 Thana- GAYA MUFASIL District- Gaya

1. Iswar Choudhary S/o Late Fago Chaudhary Resident of Village- Baradih, P.S. Mufassil, District- Gaya.
2. Munki Choudhary S/o Late Fago Choudhary Resident of Village- Baradih, P.S. Mufassil, District- Gaya.
3. Suresh Choudhary S/o Late Fago Choudhary Resident of Village- Baradih, P.S. Mufassil, District- Gaya.
4. Bhola Choudhary S/o Late Fago Choudhary Resident of Village- Baradih, P.S. Mufassil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners 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 20 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 transpired as the alleged recovery is said to have been made from joint house of the petitioners where other family members also reside. Except



for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 20 liters wine is recovered from joint house of 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, 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 Muffasil P.S. Case No. 355 of 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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