

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9441 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- MANSI District- Khagaria

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1. Dhiraj Yadav, aged about 30 Years (Male).
 2. Omjee Yadav, aged about 26 Years (Male). Both are sons of Kare Yadav, Resident of Village - Rajajan Dharmchak, P.S.- Mansi, District – Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Viveka Nandsingh, Advocate.
For the Opposite Party : Mr.Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2019 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 and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that total 16.125 liters wine alongwith one country made pistol is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in



the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 16.125 liters wine alongwith one country made pistol is recovered from the field kept under straw situated by the side of house of the petitioners. The name of the petitioners has come in the present case on the basis of alleged recovery made from the field kept under straw situated by the side of 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 In-charge Special Judge, (Excise), Khagaria, in connection with Mansi



P.S. Case No. 263 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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