

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14844 of 2019

Arising Out of PS. Case No.-350 Year-2018 Thana- GORAUL District- Vaishali

1. Raju Kumar (Male), aged about 25 Years, Son of Suresh Rai, Resident of Village-Madhaul, P.S.-Mahua, District– Vaishali.
2. Raj Kumar Rai (Male), aged about 54 Years, Son of Ram Pratap Rai Resident of Village - Madhaul, P.S.-Mahua, District – Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manish Chandra Gandhi, Advocate.
For the Opposite Party : Mr.Ram Bachan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-03-2019 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 414 of the IPC, 30(a), 30(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4630.68 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 4630.68



liters wine is recovered from two Pick-up Vans and Godown in question. Out of which, 1123.200 liters wine is said to have been recovered from one of the Pick-up Vans bearing Registration No. BR-06-GA-6833. The name of the petitioners has come on the basis of said seized Pick-up Van. The petitioner no. 1 is the owner and petitioner no. 2 is the driver of the said vehicle. The said Pick-up Van is run as a Public Carrier. 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 goods booked by the Transporter. 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-2nd-cum-Special Judge, Hajipur, Vaishali, in connection with Goraul P.S. Case No. 350 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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