

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15611 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- MAIRWAN District- Siwan

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1. SANDEEP SINGH Son of Ashok Singh Resident of Village - Sewtapur,
P.S.- Mairwa, Distt - Siwan.
 2. Shambhu Singh Son of Late Sudama Singh Resident of Village - Maidaniya,
P.S.- Mairwa, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 and 34 of the Indian Penal Code and sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.9 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 names of the petitioners have transpired on the basis of disclosure made by the local residents. The names of local residents, who have named the



petitioners, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1.9 liters wine is recovered from two motorcycles. The motorcycles in question do not belong 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./complaint case.

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 Additional District and Sessions Judge (Excise) Siwan in connection with Mairwa P.S. Case No. 330 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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