

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76268 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- SOHSARAI District- Nalanda

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1. Pratap Kumar, Son of Sikandar Prasad @ Sikander Yadav,
 2. Baiju Kumar, Son of Loha Singh @ Munshi Yadav,
 3. Rohit Kumar @ Gabbar Kumar @ Gabbar, Son of Loha Singh @ Munshi Yadav,
 4. Tipu Kumar, Son of Late Bhola Yadav,
- All are resident of Village- Habibpur, P.S.- Sohsarai, Dist- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-01-2019 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 430 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 430 liters wine is recovered from the pond. The pond in question does not belong to the petitioner. 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 6th Additional Sessions Judge-cum- Special Judge, Excise, Nalanda, Bihar Sharif in connection with Sohsarai P.S. Case No. 125/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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