

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48826 of 2016

Arising Out of PS.Case No. -704 Year- 2016 Thana -BANKA District- BANKA

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1. Devan Tuddu, Son of Late Chandar Tuddu

2. Lakhi Tuddu, Son of Late Chandar Tuddu

Both resident of Village – Kaharbandh, P.S- Banka, District - Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners are apprehending their arrest in a case registered for offences punishable under Sections 47A, 47D 47E and 53(c) of the Bihar Excise (Amendment) Act, 2016.

Allegations against petitioner no. 1 is of recovery of 10 litres of country made liquor and 8 kilos of mahua and allegation against petitioner no. 2 is of recovery of 4 litres of country made liquor and 10 kilos of mahua.

It has been submitted on behalf of the petitioners that there is no compliance of Section 100 of Cr.P.C. and the petitioners have been falsely been implicated in the present case and they



have no criminal antecedent.

Heard learned A.P.P. also.

Considering the submission, as above, the petitioners are directed to surrender before the Court below within a period of four weeks and if they do so, the Court below shall consider this aspect of the matter that petitioners have no criminal antecedent and only a very small quantity of country made liquor and mahua, has been recovered from them and after considering all these aspects, learned Court below shall dispose of the prayer of bail of the petitioners, on very same day, without being prejudiced by this order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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