

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58169 of 2017

Arising Out of PS. Case No.-205 Year-2017 Thana- MAHESI District- Saharsa

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1. Baaua Mukhiya S/o Kushay Mukhiya
 2. Madan Tanti S/o Dukha Tanti Both are residents of Village - Dhore, Police Station - Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. MANOJ KUMAR - 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in a case registered under Sections
30(a) and 35(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 130 liters wine is
recovered.

It has been submitted on behalf of the petitioners that the
petitioners are in custody since 04.10.2017 and have no criminal
antecedent. Charge sheet has been submitted in this case. There
is no allegation of tampering of witnesses alleged against the
petitioners. It is alleged that 130 liters wine is recovered from
the hut of one Surendra Mukhiya. The petitioners were sleeping
by the side of the hut. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. 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.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Chandra Mohan Jha, learned Special Judge, Excise Act, Saharsa in connection with Special (Excise) case No.433 of 2017 arising out of Mahishi P.S. case No.205 of 2017.

(Sudhir Singh, J)

Narendra/-

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