

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58794 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -NANHPUR District- SITAMARHI

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1. Mohit Kumar, son of Mahesh Mishra
2. Aman Kumar, son of Ashok Kumar
3. Rahul Kumar @ Vishwojit Kumar, son of Upendra Mishra, All resident
of Village- Janipur, P.S.- Nanpur, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case
instituted under Sections 272, 273 of the Indian Penal Code and
30(A), 37(A), 38(1) (2), 41 of Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that 200 Milliliter of
liquor is said to have been recovered from a Restaurant.

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 name of the petitioners has come on the basis of



secret information as per the F.I.R. The source and genuineness of the secret information has 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 200 Milliliters of liquor is recovered from a Restaurant. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Nanpur P.S. Case No.86/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

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