

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.60028 of 2017**

Arising Out of PS.Case No. -235 Year- 2017 Thana -MADHUBAN District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Surendra Raut, S/o Late Ram Prasad Raut,  
2. Mitul Kumar S/o Surendra Raut, Both R/o Village- Mella Bazar,  
Madhuban, P.S.- Madhuban, District- East Champaran at Motihari.

.... .... Petitioners

Versus

1. The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-12-2017                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are apprehending their arrest in a case  
instituted under Sections 188 of the Indian Penal Code and 30(A),  
38(A), 38(B) and 38(C) of Bihar Prohibition and Excise Act,  
2016.

The prosecution story, in brief, is that 2.25 litres of  
wine is said to have been recovered from a hotel.

It has been submitted on behalf of the petitioners that  
there is no allegation of tampering of witnesses alleged against  
the petitioners. The name of the petitioners has come on the basis  
of confessional statement of co-accused made before police as per



F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2.25 litres of wine is recovered from a hotel. 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 has been 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 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 Madhuban P.S. Case No. 235/2017 on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge of Excise, Motihari, 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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