

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57859 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Surendra Sah, Son of Late Shiv Sharan Sah,
2. Narayan Sah, Son of Gokhul Sah, Both residents of Village- Noneya
Turha Tola, P.S.- Paharpur, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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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 Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 25 litres of liquor
is said to have been 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 name of the petitioner 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 25 litres of liquor is recovered from co-accused. 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 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 Paharpur P.S. Case No. 17/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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