

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60416 of 2017

Arising Out of PS. Case No.-423 Year-2017 Thana- MUFFASIL District- West Champaran

1. Mantoo Ray @ Rajeev Kumar @ Mantu Ray,
2. Sanjeev Ray @ Sanjee Ray Both Sons of Chunni Ray, Both R/o Village- Pandey Tola, Karanmeya, P.S.- Bettiah (Muffasil), District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : SMT. RITA VERMA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 35, 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1865 liters wine is 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 petitioners has come on the basis of secret information. 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 1865 liters wine is recovered from the godown of co-accused Kamlesh Ram @ Kannist Ram. 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 is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 Rakesh Pati Tiwari, Special Judge, Excise Act, West Champaran at Bettiah in connection with Bettiah (Muffasil) P.S. case No.423 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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