

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59660 of 2017

Arising Out of PS.Case No. -590 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Gajendra Rai @ Gaji Ray son of Late Munshi Rai
 2. Prakash Kumar @ Babu Saheb son of Gajendra Ray @ Gaji Ray Both residents of village - Khagni, P.S. - Turkaulia, 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. Yogendra Kumar

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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 272, 273 of the Indian Penal Code and 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 500 litres of spirit 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 petitioners has come on the basis of disclosure made by the villagers as per the F.I.R. The name of the villagers, who have named the petitioners 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 500 litres of spirit is recovered from the Sugarcane field in an abandoned stage. 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 Turkauliya P.S. Case No. 590/2017, 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, Excise, 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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