

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55188 of 2017

Arising Out of PS.Case No. -212 Year- 2017 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jiya Sahani @ Jiyalal Sahani, Son of Jagan Sahani, Resident of Village-
Gulariya, P.S.- Chhauradano, District- East Champaran.
 2. Sunil Paswan, Son of Harishankar Paswan,
 3. Anil Paswan, Son of Harishankar Paswan,
 4. Muresh Paswan, Son of Nathuni Paswan,
 5. Bhukhal Paswan, Son of Sanat Paswan, All are 2 to 5 resident of
Village- Ekdari, P.S.- Chauradano, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party : Mr. Ajay Kumar -2, A.P.P.

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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
for the offence registered under Sections 272, 273/34 of the IPC
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 135 liters wine
is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged



against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that 135 liters wine is recovered in abandoned stage. The name of the petitioners has come on the basis of confessional statement of co-accused made before police as per F.I.R. 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 or 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 the learned VIIth Additional Sessions Judge-cum-Special Judge, excise, East Champaran at Motihari, in connection with Chhauradano P.S. Case No. 212 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)