

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26018 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- SHIWAPATHI District- Muzaffarpur

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1. Devendra Kumar, Son of Late Shiv Shankar Thakur, Resident of Village- Athar, P.S.- Mushahari, District- Muzaffarpur.
 2. Santosh Thakur, Son of Late Baidnath Thakur, Resident of Villlage + P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case instituted for the offences under Sections 272, 273/34 of the Indian Penal Code and Sections 30(A), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 2982.6 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 26.2.2018 and have got no criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that



2982.6 liters wine is recovered from the truck in question. The petitioners have been made accused due to mistake of fact. They had gone to the said saw mill for purchasing wood where the alleged recovery of the liquor was made from the truck in question. The said truck in question was parked in the campus of said saw mill. They have got no concern with the alleged recovery of liquor. 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./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioners, above named, be released on bail 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, Muzaffarpur in connection with Siwaipatti P.S. Case No. 16/2018.

(Sudhir Singh, J)

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