

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31595 of 2018

Arising Out of PS.Case No. -240 Year- 2017 Thana -BAUSI District- PURNIA

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1. Murshid, son of Late Md. Alim.
2. Nanki Saha @ Gopal Kumar Saha. Both residents of Village - Farsara,
P.S. - Dalkola, District - Uttar Dinajpur (W.P.), West Bengal.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jay Prakash Sharma, Advocate.

For the Opposite Party : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-07-2018 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 273, 467, 468, 471, 420,
120(B) of Indian Penal Code and 30(a), 36 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1179
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioners. It is alleged that total
1179 liters wine is recovered from the truck in question. The truck
does not belong to the petitioners. The name of the petitioners has



come on the basis of disclosure made by the co-accused, namely, Pritpal Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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/ Complaint Case.

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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Purnea, in connection with Special Excise Case No. 2987 of 2017, arising out of Baisi P.S. Case No. 240 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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