

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39062 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- AMAUR District- Purnia

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1. Samsul, Son of Sri Bhola Nat, Resident of Village- Suraha Chowk, P.S.- Amour, Distt- Purnea.
 2. Pappu Sah @ Pappu Kumar Choudhary, Son of Sri Vinod Choudhary,
 3. Chandan Sah @ Chandan Kumar, Son of Sri Vinod Choudhary, Both resident of Village- Damaka Nahar and all P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 350 liters toddy 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 names of the petitioners have transpired on the basis of disclosure made by the co-accuseds namely Kurban and Murshid. Except for this, there is no



other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 350 liters toddy is recovered from from the tempo in question. The tempo in question does not belong to the petitioners. 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/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 learned 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Purnea in connection with Special Excise Case No. 69 of 2018 arising out of Amour P.S. Case No. 10 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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