

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40086 of 2018

Arising Out of PS.Case No. -135 Year- 2018 Thana -KHAIRA District- JAMUI

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1. Santosh Gupta @ Santosh Saw, son of Sri Jay Prakash Saw, resident of Village- Mahisauri, P.S. and District- Jamui.
 2. Bablu Saw @ Babli Saw, son of Raj Kumar Saw @ Raj Kumar Sah, resident of Village- Mahisauri, P.S. and District- Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Satya Prakash Parasar and Mr.
Bhupendra Kumar Sharma, Advocates.

For the Opposite Party : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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 272, 273, 120(B)/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 180 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 180 liters wine is recovered from the car in question. The name of the petitioners has come on the basis of disclosure made by co-



accused Sharwan Manjhi. The petitioner no. 2 is alleged to be owner of the said car. The car is run as a Taxi by the driver of the petitioner no. 2. 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 A.D.J. 2nd, Jamui, in connection with Khaira P.S. Case No. 135 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)