

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50458 of 2018

Arising Out of PS. Case No.-146 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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1. Jandesh Sah @ Maheshwar Sah, S/o Late Rambahadur Sah,
 2. Sanjeet Kumar @ Jagdeo Kumar S/o Jandesh Sah @ Maheshwar Sah, Both are R/o Vill.- Jogiamath Motipur, Ward No. 3, Adharpur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 36 liters wine 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 as the alleged recovery is made from the cattle shed belonging to joint



family of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 36 liters wine is recovered from the cattle shed belonging to the joint family of 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Samastipur in connection with Excise Case No. 146/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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