

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56236 of 2018

Arising Out of PS.Case No. -374 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

- =====
1. Suraj Kumar Jha, Son of Pawan Kumar Jha and
 2. Vikash Kumar @ Bittu Son of Manoj Kumar Jha, Both resident of
Village- Maripur, P.S.- Maniyari, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party : Mr. Nand Kishore Pd, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 26-09-2018 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 Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 88.56
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. The petitioners have falsely been
implicated in the present case. It is alleged that total 88.56 liters
wine is recovered from joint house of the petitioner no. 1. The
name of the petitioner no. 1 has come in the present case on the



basis of alleged recovery made from joint house of the petitioner no. 1 where other family members also reside. The name of the petitioner no. 2 has come on the basis of disclosure made by co-accused Pawan Kumar Jha. 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 Special Judge, Excise Act, Muzaffarpur, in connection with Excise Case No. 374/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)