

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73105 of 2018

Arising Out of PS. Case No.-568 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Hira Lal Mahto @ Hira Lal Kumar, S/O Sukdeo Mahto.
 2. Sone Lal Mahto @ Sona Lal Mahto, S/O Sukdeo Mahto, R/V- Malkaunia,
P.S. Motihari Muffasil, District-East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sangeet Deokuliar, Advocate.
For the Opposite Party : Smt Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2018 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 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2 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 2 liters wine is recovered from joint house of the petitioners. The name of the petitioners has come in the present case on the basis of



alleged recovery made from joint house of the petitioners where other family members also reside. 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 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Motihari Muffasil P.S. Case No. 568 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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