

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17322 of 2018

Arising Out of PS.Case No. -10 Year- 2017 Thana -PIPRASI District-
WESTCHAMPARAN(BETTIAH)

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- 1. Amarnath Kushwaha, S/o Sawaru Kushwaha, R/o Village-
Manshachhapara, P.S.- Nebua Naurangia, Distt.- Kushinagar, U.P.
 - 2. Manish Kushwaha, S/o Dhruv Kushwaha, R/o Village- Situhia, P.S.-
Piprasi, District- West Champaran.
 - 3. Rajan Kushwaha, S/o Rudal Kushwaha @ Mahatam Kushwaha,
 - 4. Karan Kushwaha, S/o Rudal Kushwaha @ Mahatam Kushwaha, Both
R/o Situhia, P.S.- Piprasi , Distt.- West Champaran.
 - 5. Rajesh Sah, S/o Ramprit Sah, R/o Village- Tinmohani, P.S.- Piprasi,
District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr. Chaubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2018 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 341, 353, 504, 506 of the
IPC, 30(a), 37(c) and 45 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 4.600
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 4.600 liters wine is recovered from Motorcycle of co-accused Dhruv Kushwaha @ Dhruv Prasad. The name of the petitioners has come as the petitioners are alleged to have tried to protest against arrest of co-accused by the police. 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, Bettiah, West Champaran, in connection with Piprasi P.S.



Case No. 10/2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

