

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.14706 of 2018**

Arising Out of PS.Case No. -669 Year- 2017 Thana -MOTIHARI MUFASIL District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Kundan Paswan, S/O Vishwanath Paswan.
  2. Bhairo Paswan, S/O Late Shankar Paswan. Both residents of Village-  
Sirsa Paswan Tola, P.S. Muffasil, District-East Champaran.

.... .... Petitioners

Versus

The State of Bihar..... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Abhishek Kumar @ Sonu Babu and  
Mrs. Rashmi Jha, Advocates.

For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      14-03-2018      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 272, 273 of the IPC and  
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 10 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 10 liters wine  
is recovered by the side of house of co-accused including that of  
the petitioners. The name of the petitioners has come on the basis



of disclosure made by the local residents as per the F.I.R. The name of the local residents who have named the petitioners has not been disclosed by the prosecution. 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, Motihari, East Champaran, in connection with Motihari Muffasil P.S. Case No. 669 of 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)**