

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12663 of 2018

Arising Out of PS. Case No.-661 Year-2017 Thana- BARACHATTI District- Gaya

-
1. Barsatiya Devi, W/o Late Bashi Manjhi,
 2. Darman Manjhi S/o Late Phaguni Manjhi, Both are r/o Village- Bibipersra, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. NAND KISHORE PD

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 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), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 162 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 said to have been made from the 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. It is alleged that 162 liters wine is recovered from 8 different houses including the house of the petitioners. So far petitioners are concerned, 20 liters each are recovered from the houses 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.

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) each with two sureties of the like amount each to the satisfaction of learned Excise Special Judge, Gaya in connection with Barachatti P.S. Case No. 661 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

