

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20433 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- SITAMARHI District- Sitamarhi

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1. Md. Jamal, S/o Mohammad Jan, R/o Mohalla- Ward No. 27
Khilafat Bhagh, P.S.- Sitamarhi , District- Sitamarhi.
 2. Appu Mishra S/o Shailendra Mishra, R/o village- Word No.2
Santi Nagar, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Smt. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.640 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 on the basis of disclosure made by the co-accused namely Gori Mahto. Except for this, there is no other substantive evidence to suggest



the implication of the petitioners in this case. It is alleged that 8.640 liters wine is recovered from the rickshaw in question. The rickshaw in question does not belong to the petitioner. 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/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 A.D.J.-II-cum- Special Judge, Excise, Sitamarhi in connection with Sitamarhi (Mehsaal O.P.) P.S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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