

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9060 of 2018

Arising Out of PS.Case No. -302 Year- 2017 Thana -MANJHI District- SARAN

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- 1. Bihari Prasad,
 - 2. Sanjay Prasad Both Sons of Late Gauri Shankar Prasad, R/o Village Nun Nagar, P.S.- Jalalpur, Distt.- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 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 30, 30(a) and 38 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2034
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioners. It is alleged that total
2034 liters wine is recovered from the Truck, Scorpio and Bolero



vehicles in question. None of the vehicles belongs to the petitioners. The name of the petitioners has come on the basis of disclosure made by co-accused Satyendra Singh @ Mantu Singh. 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 liquor kept in the vehicles. 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 A.D.J.-6th/Special Judge, Excise, Saran at Chapra, in connection with Manjhi P.S. Case No. 302 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)