

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18711 of 2018

Arising Out of PS.Case No. -37 Year- 2015 Thana -KORMA District- SEKHPURA

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1. Manikant Ram son of Ramashray Ram @ Ramashray Dhadhi
 2. Masudan Ram son of Dhobi Ram Both are residents of village - Murarpur, Police Station - Korma, District - Sheikhpura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2018 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 47(a) of the Bihar Excise Act.

The prosecution story, in brief, is that total 20 liters wine alongwith other utensils etc., is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got no criminal antecedent and petitioner no. 2 has got criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 has falsely been implicated in the



present case. It is alleged that total 20 liters wine alongwith other utensils etc. are recovered on the bank of the river. The name of the petitioners has come on the basis of disclosure made by local residents/secret informant as per F.I.R. The name of local residents who have named the petitioners or source and genuineness of secret information 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 1st Additional District and Sessions Judge, Sheikhpura, in connection with Excise Case No. 265 of 2017, arising out of Korma P.S. Case No. 37 of 2015, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

