

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28377 of 2018

Arising Out of PS.Case No. -236 Year- 2017 Thana -MUSAHRI District- MUZAFFARPUR

- =====
1. Hardev Karori, S/o Sudesh Karori,
 2. Akhilesh Karori S/o Akshaylal Karori,
 3. Mehadi Karori S/o Dinesh Karori, All are Residents of Vill.- Manika harikesh Karori Tola, P.S.- Mushahari, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.

For the State : Mr. N.N. Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-05-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2, Akhilesh Karori, in connection with Mushahari P.S. Case No. 236 of 2017, pending in the court of learned Special Judge, Excise, Muzaffarpur, in G.R. No. 879 of 2017.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2, Akhilesh Karori, is dismissed as withdrawn.

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,



30(a)(c)(d)/32/37(D) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1 Liter wine, 2 Kg. Mahua Flower and 4 Kg. Fitkari are 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 1 Liter wine, 2 Kg. Mahua Flower and 4 Kg. Fitkari are recovered from the house of co-accused Dinesh Karori. The name of the petitioners has come on the basis of disclosure made by the local *Chaukidar*. 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, (except petitioner no. 2, Akhilesh



Karori), 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in G.R. No. 879 of 2017, in connection with Mushahari P.S. Case No. 236 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)

