

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17553 of 2018

Arising Out of PS.Case No. -293 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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1. Imamul Haque, S/o late Maqbool.
 2. Parwez Alam @ Chhote, S/o Imamul Haque. Both R/o Village-Dharamparsa, P.S.- Manjhagarh, Distt. Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mohammad Sufyan, Advocate.

For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2018 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 413, 414/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 81.420 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 81.420 liters wine is recovered from different places. As far as petitioners are concerned, 720 ML liquor is said to have been



recovered from the Motorcycle which was kept in the Cock shop of the petitioners. The petitioners are alleged to be the owner of Cock shop from where recovery of liquor is alleged to have been recovered. 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 2nd Additional Sessions Judge-cum-Special Judge, Gopalganj, in connection with Manjhagarh P.S. Case No. 293 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)