

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22277 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -LAKHNAUR District- MADHUBANI

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1. Anwar Seth @ Md. Anwar, S/o Late Md. Hadish,
 2. Mustakim @ Md. Mustakim S/o Late Md. Sadique, Both of Resident of vill.- Islampur Natwatola, P.S.- Jhanjharpur, District- Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimal Kumar, Advocate.
For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 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 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2.910 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 2.910 liters wine is recovered from the house of co-accused



Kailash Mahto. The name of the petitioners has come on the basis of disclosure made by co-accused, Kailash Mahto. 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 petitioner 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 District & Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 12/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

