

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23085 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- MUSAHRI District- Muzaffarpur

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1. Kedar Sah Son of late Ramavatar Sah
 2. Pankaj Sah Son of late Mohan Sah Both Resident of Village Nayagaon, P.S. Musahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 25.920 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner No.1 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired as the alleged recovery is made from the joint house of the petitioner No.1. So far the petitioner No.2 is concerned, his name has



transpired on the disclosure made by co-accused Raju Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 25.920 liters wine is recovered from the joint house of the petitioner No.1. 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.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Special Judge, Excise, Muzaffarpur in connection with Musahari P.S. case No.43 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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