

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8530 of 2018

Arising Out of PS. Case No.-228 Year-2017 Thana- TURKAULIYA District- East
Champaran

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1. Rajeshwar Sah @ Rajesh Sah, S/o Late Chuman Sah,
 2. Anup Mahato @ Ram Anup Mahto S/o Late Hira Lal Mahto,
 3. Raj Kumar Sah S/o Prabhu Sah,
 4. Vidyanand Mahto @ Vidyanand Kumar
 5. Anchit Mahto Both are Son of Jawahir Mahto, All are Village-
Shankar Saraiya Kasba Tola, P.S.- Turkauliya, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Shankar Shrivastava
For the Opposite Party/s :	Mr. IFTEKHAR MAHMOOD

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 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, 273/34 of the I.P.C. and Sections 30(a)/33/36/41
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30.900 liters wine is
recovered.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioners. The name of
the petitioners has come on the basis of secret information as per
F.I.R. The source and genuineness of the 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. It is alleged that 30.900 liters wine is recovered from the back side of the house of Prabhu Sah. 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 7th Additional Sessions Judge-cum-Special Judge of Excise, Motihari, East Champaran in connection with Turkauliya P.S. case No.228 of 2017, 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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